

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA 18-CR-6094(G)
vs.
XAVIER TORRES, Rochester, New York
November 1, 2021
Defendant. 8:30 a.m.
- - - - -X

VOLUME 9

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE FRANK P. GERACI, JR.
UNITED STATES DISTRICT JUDGE

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I N D E XWITNESS FOR THE GOVERNMENT

Axel Aponte Camacho

Cross-examination by Mr. Verrillo Page 774

Redirect examination by Mr. Marangola Page 797

Recross-examination by Mr. Verrillo Page 807

Redirect examination by Mr. Marangola Page 809

Robert Standish

Direct examination by Ms. Kocher Page 810

EXHIBITRECEIVED

Government 341 799

Government 30 814

Government 214 849

Government 226A 853

Government 226B 853

P R O C E E D I N G S

* * *

(WHEREUPON, the defendant is present; the jury is present).

THE COURT: Good morning. Good morning, members of the jury. Ready to proceed?

MR. MARANGOLA: Yes, Judge.

MR. VERRILLO: Yes, Your Honor.

THE COURT: Recall the witness.

MR. MARANGOLA: Your Honor, I believe we're in cross-examination of Mr. Aponte Camacho. May he be recalled?

THE COURT: Yes, he may be recalled.

(WHEREUPON, the interpreter was sworn).

THE COURT: Good morning. I remind you you remain under oath. Thank you.

Mr. Verrillo, you may proceed.

MR. VERRILLO: Thank you, Judge.

BY MR. VERRILLO:

Q. Mr. Aponte Camacho, when did you meet Obed Torres?

A. You mean the first time?

Q. Yes.

A. We went to school together in Puerto Rico.

Q. All right. And when you came to the Rochester area, Mr. Obed Torres was in the Rochester area as well?

A. First I went to New Jersey and then when I came back

1 that's when I saw him.

2 Q. Okay. That was around April of 2015; is that right?

3 A. Yes.

4 Q. And from April of 2015 to December of '16, how often did
09:56:11AM 5 you speak to Obed?

6 A. Almost every day, every day.

7 Q. Okay. And what did you discuss with him?

8 A. Many things. Like what are you -- what are you talking
9 about?

09:56:41AM 10 Q. Okay. During this time period did you talk about the
11 activities that Javi's operation was involved in?

12 A. Yes.

13 Q. Did you know anyone with the name of Pepe?

14 A. Yes.

09:57:01AM 15 Q. Who was Pepe?

16 A. Before I started working at the table, he use to sell at
17 Burbank.

18 Q. Do you know him -- do you know his name other than Pepe?

19 A. No.

09:57:25AM 20 Q. Okay. And did Pepe have a brother?

21 A. Yes.

22 Q. And what was his name?

23 A. I don't know.

24 Q. Okay. Do you recall being asked questions on direct about
09:57:44AM 25 statements made by individuals during the time period of May

1 2015 to December 2016?

2 A. If I recall questions -- I couldn't understand what --
3 your question.

4 Q. During your testimony on your direct testimony do you
09:58:10AM 5 recall testifying about statements various people made?

6 A. Yes.

7 Q. Okay. And did you take any notes of what these people told
8 you during this time period?

9 A. Like if I wrote them down?

09:58:34AM 10 Q. Yes.

11 A. You mean people in the organization?

12 Q. Yes.

13 A. No, I did not write them down.

14 Q. But you were able to recall what these individuals told
09:58:49AM 15 you without any hesitancy; is that right?

16 A. Some things, yes. Some things I don't remember.

17 Q. Okay. Do you recall testifying on your direct that you
18 began selling in the spring of 2016; is that correct?

19 A. In the spring of 2016 -- I left LaForce, yes, I started
09:59:32AM 20 selling.

21 Q. You testified on your direct that the group moved to
22 LaForce from Burbank because someone was killed in the area of
23 Leo and Burbank; is that right?

24 A. Can you repeat the question?

09:59:48AM 25 Q. Was it your testimony that the group moved from Burbank to

1 LaForce because someone was killed in the area of Leo and
2 Burbank?

3 A. Yes.

4 Q. Did you know about someone getting killed on Leo Street in
10:00:11AM 5 January of 2016?

6 A. I don't remember the date exactly, but I do know someone
7 was killed on Leo.

8 Q. Okay. And do you know whether Mino was killed?

9 A. I don't really know who Mino was.

10:00:57AM 10 Q. Okay. Did you know someone named Gargola?

11 A. I knew two people known by Gargola. One person who sold
12 on Burbank, one person who was killed on Burbank; and then
13 another Gargola who worked with me at the barber shop who also
14 sold.

10:01:42AM 15 Q. So I'm asking about the Gargola that was killed near
16 Burbank.

17 A. I didn't know him personally.

18 Q. Did you speak to Obed Torres about that shooting?

19 A. Yes.

10:02:04AM 20 Q. And did Obed say that Domi shot Gargola?

21 A. Can you repeat the question?

22 Q. Did you Obed tell you that Domi shot Gargola?

23 A. Yes.

24 Q. I believe you testified in your direct that you saw
10:02:32AM 25 Pistolita almost every day; is that right?

1 A. I saw him for a time almost every day.

2 Q. Okay. And what time period was that?

3 A. So from around May of 2015 until the end of the summer of
4 2016.

10:03:15AM 5 Q. And do you know when Pistolita left Rochester?

6 A. I don't know exactly. One time he had left, but then he
7 quickly came back. I think the last time I think it was
8 around the end of the summer of 2016.

9 Q. When did you see -- when did you become aware that
10 Pistolita first left the area?

11 A. In 2015 sometime, maybe May or June of 2015, but I'm not
12 sure what month it was.

13 Q. Do you recall testifying on direct about your contacts
14 with Roberto Figueroa?

10:04:56AM 15 A. When you refer to direct, you mean here?

16 Q. Okay. Sir, when I'm referring to direct I'm referring to
17 the other day when you testified.

18 A. Okay, yes.

19 Q. Okay. Was one of the roles that Robert had was that as a
10:05:19AM 20 runner?

21 A. Yes, on LaForce.

22 Q. And you also testified on direct that Robert would be
23 involved if there were problems on the street; is that right?

24 A. Yes.

10:05:39AM 25 Q. And when I say Robert or Roberto, they're one in the same

1 person just so you understand.

2 A. Okay.

3 Q. Did you ever see Roberto with a gun?

4 A. Yes.

10:06:02AM 5 Q. Okay. And what guns did you see him have?

6 A. A .44 and a .40.

7 Q. Sir, do you recall in your direct that you testified about
8 some events on Miller Street in December of 2016?

9 A. Yes.

10:06:38AM 10 Q. And isn't it true that Pistolita was not there on Miller
11 Street in December of 2016?

12 A. Are you asking me if it's true that he was not there? Is
13 that your question?

14 Q. Yes.

10:06:56AM 15 A. Yes.

16 Q. Okay. You also testified during your direct testimony that
17 you had gone to Rafi's wake. Do you recall that testimony?

18 A. Yes.

19 Q. Where was Rafi's wake held?

10:07:28AM 20 A. If I'm not mistaken, I'm not sure, I think it was on Lake.

21 Q. When was the wake held?

22 A. In 2015. I don't know the month.

23 Q. Did you know Rafi's stepson?

24 A. No.

10:07:55AM 25 Q. And how long after Rafi's death was the wake held?

1 A. I don't know honestly.

2 Q. Isn't it true that Rafi was cremated?

3 A. Yes, he was cremated.

4 Q. Do you recall testifying on direct that you had sold drugs
10:08:54AM 5 on LaForce Street?

6 A. Yes.

7 Q. And is it true that within a 24-hour period you would make
8 \$3,000?

9 A. Some days. Not every day.

10:09:13AM 10 Q. Okay. What would you average in sales on LaForce Street in
11 a 24-hour period?

12 A. Maybe 2,000 bags, 3,000 bags. It depended.

13 Q. Okay. So if you sold between 2,000 to 3,000 bags, would
14 you get paid \$1 for each bag?

10:10:08AM 15 A. It was \$1 for a bag of heroin, it was \$1 for a bag of
16 cocaine, it was -- it was \$1 for a heroin bag, \$1 for a
17 cocaine bag, and \$2 for a capsule with crack.

18 Q. Okay. So when you sold -- you say you sold between 2,000
19 and 3,000 bags, what drugs are you referring to?

10:10:52AM 20 A. Honestly, all of them in total. I'm referring to total.

21 Q. And that was during a time that you and Obed were selling
22 on LaForce Street?

23 A. Yes.

24 Q. Okay. Sir, do you recall testifying in a trial on May
10:11:15AM 25 14th, 2021?

1 A. If I remember testifying what?

2 Q. Do you recall testifying in a trial on May 14th, 2021,
3 involving Carlos Javier Figueroa?

4 A. Yes.

10:11:34AM 5 Q. And you gave testimony under oath at that time, correct?

6 A. Yes.

7 Q. Okay.

8 **MR. VERRILLO:** Your Honor, at this time I would like
9 to reference Exhibit 520, which I'd like to reference -- this
10 is not admitted into evidence.

11 **BY MR. VERRILLO:**

12 Q. Now, I'm referencing page 53 beginning with line 16. So
13 I'm going to ask you to listen and ask you if I correctly
14 read the questions and -- your answers to the following
10:12:31AM 15 questions.

16 Question: Now, you testified earlier about being
17 paid to work the table. Were you paid to sell drugs --

18 **THE INTERPRETER:** Can you speak slowly?

19 **MR. VERRILLO:** I'm sorry, I'll slow down.

10:12:43AM 20 **BY MR. VERRILLO:**

21 Q. Now, you testified earlier about being paid to work the
22 table. Were you paid to sell drugs at 16 LaForce?

23 Answer: Yes.

24 Question: How were you paid?

10:13:05AM 25 Answer: It was a dollar for each bag of drugs and

1 cocaine.

2 Question: A dollar for each bag of what?

3 Answer: Of heroin and cocaine, and for crack \$2.

4 And that Obed and I will -- will split it half and half of
10:13:24AM 5 whatever we sell.

6 Question: So in a typical 24-hour shift selling
7 bags of heroin, cocaine and crack at LaForce, how much would
8 you make? Continuing on page 54.

9 Answer: We could make 600 each of us. So 1,200 or
10:13:46AM 10 700 a day each of us.

11 Question: So if -- say each of you made 700, that
12 meant combined you would have 1,400 between the two of you?

13 Answer: Yes.

14 Sir, did I accurately reflect your answers that you
10:14:05AM 15 gave to those questions?

16 A. Yes.

17 Q. So in a typical shift you would split with Obed the money
18 and you'd make about 6 or \$700, correct?

19 A. Yes.

10:14:20AM 20 Q. And that's not 2,000 or \$3,000, right?

21 A. You're asking me a question about testimony that I gave
22 earlier where I was talking about my average sales of 2,000 or
23 3,000. It was my average weekly sales.

24 Q. Yes.

10:15:14AM 25 A. So I testified then when the prosecutor asked me how much

1 I made a week, I said from 2,000 to 3,000.

2 Q. Sir, do you recall talking about the number of times you
3 had worked at the tables at the various locations?

4 A. Yes, I was asked that, yes.

10:15:47AM 5 Q. Okay. And I just want to confirm some information with
6 you. My notes indicated that you worked the table at the
7 general hospital apartment 80 to 90 times; is that right?

8 A. Yes, that was an estimate, yes.

9 Q. Okay. And what time period did you work at the general
10 hospital apartment?

11 A. You mean the times that I was there, the actual time of
12 the day?

13 Q. Sir, what I'm asking is you indicated that you estimated
14 you worked at the general hospital apartment 80 to 90 times.

10:16:38AM 15 So what I'm asking you is what time period did that cover?

16 A. So from like 9 a.m. until 4 or 5 a.m.

17 Q. When I ask time period, I'm saying from May to a certain
18 time or June to a certain time.

19 A. I think it was from around May to October or November I
10:17:25AM 20 think.

21 Q. Of what year?

22 A. 2015.

23 Q. My notes indicated you did tables at East Main Street 20
24 to 30 times; is that right?

10:17:46AM 25 A. Yes.

1 Q. And what time period did you do the work at East Main
2 Street?

3 A. From October until around the end of 2015.

4 Q. Okay. All right. And my notes indicated as to Liberty
10:18:19AM 5 Pole, you worked at the table 15 to 20 times; is that right?

6 **THE INTERPRETER:** Can you repeat the address?

7 **BY MR. VERRILLO:**

8 Q. Liberty Pole.

9 A. Yes.

10:18:29AM 10 Q. And what time period did that cover?

11 A. Around beginning of 2016.

12 Q. And then you also testified about working the tables at
13 Culver. Do you recall that?

14 A. Yes.

10:18:56AM 15 Q. And my notes indicated that you had worked the tables 50
16 times there?

17 A. Something like that, yes.

18 Q. And what time period did you work at the Culver area?

19 A. I was there for about six months. I think it was until I
10:19:29AM 20 stopped working there.

21 Q. Okay. When was that?

22 A. I stopped working around October.

23 Q. Okay. So with my count looking at the minimum numbers that
24 are in that range, you had worked the tables at least 165

10:19:59AM 25 times; is that right?

1 A. Something like that, yes.

2 Q. And you got paid \$500 each time?

3 A. Yes, unless we only did a 31 of *perico*, cocaine.

4 Q. And how often did that occur?

10:20:39AM 5 A. It depended. Sometimes we -- we packaged two to three
6 times a week; sometimes we only dealt with cocaine.

7 Q. Out of the 165 times that the minimum number that I
8 referenced working at the tables, how many times did you earn
9 the \$500?

10:21:09AM 10 A. More often than not. Almost all the time.

11 Q. Okay. And you also were selling drugs at one point,
12 correct?

13 A. Yes.

14 Q. And you also were barbering, correct?

10:21:26AM 15 A. Yes, for a while, yes.

16 Q. And how much did you make as a barber?

17 A. 1,200 or 1,000 a week.

18 Q. How many weeks did you do that?

19 A. I don't know. I worked from around April of 2015 until I
10:22:07AM 20 left in November of 2015. I left because I got into an

21 argument with the owner and then I came back around January
22 and then I was there for another approximately four months.

23 Q. Okay. So considering all those various numbers, you would
24 agree that you had made over \$90,000 doing these various
10:22:44AM 25 things?

1 A. I don't know honestly.

2 Q. And you were asked on direct whether you had assets and
3 things of that nature. And I believe your explanation was you
4 spent the extra money on clothes and shoes. Do you recall
10:23:00AM 5 that?

6 A. Yes.

7 Q. And how much did you spend on clothes and shoes?

8 A. I don't know.

9 Q. Okay. Sir, you also were asked on direct about guns being
10:23:31AM 10 present at the Culver Road location. Do you recall that?

11 **THE INTERPRETER:** Can you repeat the question?

12 **BY MR. VERRILLO:**

13 Q. Do you recall being asked questions on direct related to
14 the guns at the Culver Road location?

10:23:45AM 15 A. Yes.

16 Q. Did everyone have access to the guns or just Javi?

17 A. Javi and Tapon.

18 Q. Okay. Isn't it true that Javi did not want anyone to
19 borrow guns?

10:24:16AM 20 A. You had to ask him for permission first.

21 Q. Okay. And did he tell you that he was concerned someone
22 would do something stupid with the guns?

23 A. Not to me, but he told Robert one time.

24 Q. Okay. You had testified on direct about an incident when a
10:24:48AM 25 black guy stole a Dominican's necklace. Do you recall that?

1 A. Yes.

2 Q. What was the Dominican's name?

3 A. I don't know.

4 Q. When did you tell the Government about this incident?

10:25:20AM 5 A. I don't know. I think it was in the beginning when I came
6 for the proffer around 2017.

7 Q. Where did the Dominican live?

8 A. On Burbank.

9 Q. And you referenced during this incident that there was an
10:25:40AM 10 abandoned car in the area?

11 A. Yes, the car had been parked there for a very long time.

12 Q. And what kind of car was it?

13 A. I don't know.

14 Q. When did this incident occur?

10:26:05AM 15 A. In 2015.

16 Q. Okay. When in 2015?

17 A. I don't know what month.

18 Q. You testified about an incident when Robert got out of a
19 safe 100,000 in cash. Do you recall that?

10:26:34AM 20 A. Yes.

21 Q. Did you count the cash?

22 A. No.

23 Q. Was the 100,000 given to the attorney for Yankee?

24 A. Javi said that it was for Yankee's attorney, but I don't
10:26:55AM 25 know if they gave it to him or not.

1 Q. Okay. But it was your understanding that the 100,000 was
2 going to be given to the attorney for Yankee; is that right?

3 A. Yes.

4 Q. For representation in a criminal case?

10:27:15AM 5 A. I think that's what it was for because he had gotten a
6 case at that time.

7 Q. Okay. But you didn't see Robert or Javi pay the attorney
8 for Yankee, correct?

9 A. No.

10:27:39AM 10 **MR. VERRILLO:** I have no further questions. Thank
11 you.

12 **MR. MARANGOLA:** May I, Your Honor?

13 **THE COURT:** Yes.

14 **MR. MARANGOLA:** Thank you.

10:27:59AM 15 **REDIRECT EXAMINATION**

16 **BY MR. MARANGOLA:**

17 Q. Mr. Aponte Camacho, Mr. Verrillo asked you questions
18 regarding testifying at a previous trial. Do you recall that?

19 A. Yes.

10:28:13AM 20 Q. Who was the defendant at that trial?

21 A. Javi.

22 Q. Okay. It wasn't Pistolita?

23 A. No.

24 Q. And he asked you questions about meeting before you
10:28:32AM 25 testified at the first trial. Do you remember that?

1 A. Yes.

2 Q. And he asked you questions about me before testifying at
3 this trial; is that right?

4 A. Yes.

10:28:46AM 5 Q. Can you tell the jury what would happen at those meetings
6 between you and members of the Government, meaning myself or
7 the agents?

8 A. I told them things that I knew of the time that I was
9 working in the organization.

10:29:11AM 10 Q. Did they ask you questions about your involvement?

11 A. Yes.

12 Q. Did they ask you questions about other people's
13 involvement?

14 A. Yes.

10:29:23AM 15 Q. Did they show you pictures?

16 A. Yes.

17 Q. Did you listen before the first trial to wiretap calls?

18 A. Yes.

19 Q. And did you in preparation for that first trial also watch
10:29:41AM 20 pole camera footage?

21 A. Yes.

22 Q. And in those meetings what's the one thing that we told
23 you we wanted from you?

24 A. Can you repeat? I didn't understand the question.

10:29:58AM 25 Q. Yeah. In the meetings that you had with the Government,

1 what's the one thing that we told you we wanted from you?

2 A. That I say the truth.

3 Q. I'm going to put up what's not in evidence as Government's
4 341. Mr. Aponte Camacho, do you see Government's 341 on your
10:30:29AM 5 screen?

6 A. Yes.

7 Q. And this is your plea agreement; is that right?

8 A. Yes.

9 Q. And this plea agreement contains the cooperation agreement
10:30:42AM 10 between you and the Government; is that right?

11 A. Yes.

12 **MR. MARANGOLA:** At this time, Your Honor, based on
13 the cross-examination I would offer Government's 341.

14 **MR. VERRILLO:** Your Honor, I would not object if the
10:31:01AM 15 section -- the factual section would be redacted as previously
16 had been done.

17 **MR. MARANGOLA:** No problem with that, Your Honor.

18 **THE COURT:** With that understanding Exhibit 341 will
19 be received with the redaction of the factual colloquy.

10:31:15AM 20 **(WHEREUPON,** Government Exhibit 341 was received
21 into evidence).

22 **BY MR. MARANGOLA:**

23 Q. Mr. Aponte Camacho, Mr. Verrillo asked you about if you
24 were seeking benefits from the Government. Can you explain to
10:31:26AM 25 this jury what you're hoping to get as a result of your

1 cooperation with the Government?

2 A. With the information that I provide, that it would be
3 substantial assistance that I am providing. That way if I
4 provide substantial assistance, the prosecutor is gonna
10:32:04AM 5 request the judge if I could get a reduction in my sentence.

6 Q. All right. What's the one thing you have to do?

7 A. Say the truth.

8 Q. Now, who is ultimately going to decide if you receive a
9 lower sentence than the 20 years mandatory minimum in your
10:32:29AM 10 plea agreement?

11 A. The judge.

12 Q. All right. Now, in these meetings that you had with the
13 Government, Mr. Verrillo asked you if you had reviewed prior
14 grand jury testimony. Do you recall that?

10:32:48AM 15 A. Yes.

16 Q. And did you read prior grand jury testimony in those
17 meetings with the Government?

18 A. Yes, before the beginning of the first trial.

19 Q. Whose grand jury testimony did you read?

10:33:12AM 20 A. Mine.

21 Q. Did you read Roberto Figueroa's grand jury testimony?

22 A. No.

23 Q. Did you read Jose Figueroa's grand jury testimony?

24 A. No, I don't even know who Jose Figueroa is.

10:33:35AM 25 Q. So -- and with respect to your trial testimony, how many

1 days were you -- did you testify under oath at the trial
2 against Javi?

3 A. I think it was around four days I think.

4 Q. Did you read anyone else's trial testimony in the trial
5 against Javi?

6 A. No.

7 Q. Did we give you any notes or information provided to us by
8 other witnesses in this case during any of those meetings?

9 A. No.

10 Q. So we didn't say to you, well, Roberto Figueroa said this,
11 maybe you should say the same thing?

12 **MR. VERRILLO:** Objection.

13 **THE COURT:** Sustained.

14 **BY MR. MARANGOLA:**

15 Q. All right. Mr. Verrillo asked you if you began selling on
16 LaForce because there had been someone killed in the area of
17 Leo Street and Burbank.

18 A. Yes.

19 Q. Tell the jury were there any other reasons why Javi moved
20 things from Burbank over to LaForce Street?

21 A. Yes.

22 Q. Can you tell the jury what those things were?

23 A. Gargola -- a guy by the name who was called Gargola had
24 been killed and Pistolita had been arrested on Burbank and
25 Yankee had also been arrested on Burbank and Burbank was

1 really hot.

2 Q. All right. And I think you described in your previous
3 testimony that when you say Burbank was really hot, you mean
4 there was a lot of law enforcement presence or activity in the
10:35:45AM 5 area?

6 A. Yes.

7 Q. All right. Defense counsel asked you questions about
8 seeing Pistolita every day for a period of time when you were
9 on Burbank?

10:36:03AM 10 A. If I had seen him every day on Burbank?

11 Q. Yeah.

12 A. Yes.

13 Q. And there were months where you saw the defendant every
14 day on Burbank?

10:36:15AM 15 **THE INTERPRETER:** Can you repeat the question?

16 **BY MR. MARANGOLA:**

17 Q. Yes. Were there months that you saw the defendant every
18 day on Burbank?

19 A. Yes.

10:36:22AM 20 Q. And defense counsel asked you if you knew when Pistolita
21 left Rochester?

22 A. I didn't understand your question.

23 Q. Defense counsel asked you if you knew when Pistolita left
24 Rochester?

10:36:45AM 25 A. Yes.

1 Q. And you said that at one point he left and quickly came
2 back?

3 A. Yes.

4 Q. All right. Do you recall when it was that he left and then
10:36:58AM 5 quickly came back?

6 A. In 2015, but I don't know what month.

7 Q. All right. So at some point in 2015 the defendant left
8 Rochester but then he came back?

9 A. Yes.

10:37:19AM 10 Q. All right. And you continued to see him in Rochester for a
11 period of time after that?

12 A. Yes.

13 Q. And then at some point I think you previously testified at
14 the end of the summer of 2016 that you didn't see the
10:37:37AM 15 defendant after that?

16 A. Sorry, I couldn't hear the interpretation well.

17 Q. Do you recall when it was that you stopped seeing the
18 defendant?

19 A. Yes. The last time it was at the end of the summer of
10:38:11AM 20 2016.

21 Q. Okay. When the last time you saw the defendant, did he say
22 to you anything about not working for Javi anymore?

23 A. No.

24 Q. Do you recall testifying that when you decided not to work
10:38:36AM 25 for Javi anymore, you told Tapon that you were done?

1 A. Yes.

2 Q. Did Pistolita ever say that?

3 **MR. VERRILLO:** Objection.

4 **THE COURT:** Overruled. Go ahead. You can answer
10:38:50AM 5 it.

6 **THE WITNESS:** No.

7 **BY MR. MARANGOLA:**

8 Q. And Mr. Verrillo asked you questions about if at any point
9 Roberto Figueroa was a runner. Do you recall that?

10:39:02AM 10 A. Yes.

11 Q. At any point during the -- between 2015 and 2016 when you
12 were on Burbank Street was the defendant ever a runner?

13 A. Yes, in 2015.

14 Q. Mr. Aponte Camacho, defense counsel asked you a number of
10:39:38AM 15 questions about your average salary or the average amount of
16 money you made on different days. Do you recall that?

17 A. Yes.

18 Q. And then he showed you one of the pages of your transcript
19 where it said typical day how much did you make. Do you
10:39:56AM 20 recall that?

21 A. Yes.

22 Q. Now, did you review any pay stubs before testifying?

23 A. I don't know what pay stubs are. No.

24 Q. Did you ever receive a paycheck while you were working for
10:40:27AM 25 Javi?

1 A. No.

2 Q. He never gave you a check for working at the table?

3 A. No.

4 Q. Did you get paid a check for working on the street on
10:40:42AM 5 LaForce?

6 A. No.

7 Q. All right. So the figures that you gave about the amount
8 of money that you made, were those estimates based on your
9 recollection?

10:40:54AM 10 A. Yes.

11 Q. All right. Mr. Verrillo also asked you about guns that
12 were present at Culver Road. Do you recall that?

13 A. I don't remember those questions.

14 Q. All right.

10:41:40AM 15 A. Or if he asked me those questions.

16 Q. Okay. Well, let's clarify some things. Which apartments
17 that you worked the table at for this organization with the
18 defendant did you see firearms?

19 A. At the apartment by the hospital, at Leitscha's apartment,
10:42:10AM 20 at Liberty Pole, and at Culver.

21 Q. All right. And did you have keys -- well, let me withdraw
22 that.

23 Who had keys to each of those apartments?

24 **MR. VERRILLO:** Objection.

10:42:28AM 25 **THE COURT:** Overruled. You can answer that.

1 **THE WITNESS:** Javi had them, Robert, Obed,
2 Pistolita, and Tapon.

3 **BY MR. MARANGOLA:**

4 Q. So if you have a key to the apartment, then you can unlock
10:42:49AM 5 and open the door, correct?

6 A. Yes.

7 Q. And if you can unlock and open the door and then enter the
8 apartment, don't you have access to what's inside the
9 apartment?

10:43:04AM 10 A. Yes.

11 Q. All right. Now, who was in charge of the drugs and the
12 guns?

13 A. Javi.

14 Q. All right. So you couldn't just help yourself to a 62 of
10:43:19AM 15 cocaine if you wanted it?

16 A. I had to ask Javi.

17 Q. All right. And if you wanted to take a firearm, you
18 couldn't just take it yourself? You would have to do what?

19 A. I had to ask Javi.

10:43:44AM 20 Q. All right. Was there an understanding between you and the
21 other members of this organization, including the defendant,
22 that if you needed a firearm you could get one from Javi?

23 **MR. VERRILLO:** Objection.

24 **THE COURT:** Overruled. If he knows.

10:44:02AM 25 **THE WITNESS:** Yes.

1 **MR. MARANGOLA:** Nothing further, Your Honor. Thank
2 you.

3 **RECROSS-EXAMINATION**

4 **BY MR. VERRILLO:**

10:44:32AM 5 Q. Mr. Aponte Camacho, you were just asked some questions
6 about your contacts with the Government. Do you recall that?

7 A. Yes.

8 Q. And as a part of your contacts with the Government you had
9 listened to wiretaps; is that right?

10:44:52AM 10 A. Yes.

11 Q. And did you hear any conversations on those wiretaps
12 involving Pistolita?

13 A. No.

14 Q. Did you hear Pistolita speak on any of those wiretap
10:45:08AM 15 calls?

16 A. No.

17 Q. How many calls did you listen to?

18 A. Maybe 100 or 50. I'm not sure.

19 Q. And during your cooperation with the Government you also
10:45:30AM 20 looked at pole cameras; is that right?

21 A. Yes.

22 Q. And in any of those pole cameras did you see Pistolita,
23 videos or pictures?

24 A. No.

10:45:46AM 25 Q. Now, you were asked about your --

1 A. The cameras?

2 Q. I'm sorry?

3 A. The cameras?

4 Q. Yes.

10:45:57AM 5 A. No.

6 Q. How many pole cameras did you review?

7 A. I don't know how many cameras.

8 Q. You were also asked about your agreement with the
9 Government that was set forth in the plea agreement. Do you
10 recall that?

10:46:16AM

11 A. Yes.

12 Q. Isn't it true that the Government has to make a motion
13 that you provided substantial assistance before getting any
14 credit?

10:46:34AM 15 A. Sorry, I didn't understand.

16 Q. Isn't it true that the Government would need to make a
17 motion that you provided substantial assistance before getting
18 any credit?

19 A. Honestly, I don't know if they have to present a motion.
20 I don't know.

10:47:00AM

21 Q. Okay. You would agree that it would be required that the
22 Government indicated you provided substantial assistance
23 before the Court could consider giving you credit?

24 A. He decides if I provide substantial assistance.

10:47:32AM 25 Q. Okay. Who is "he"?

1 A. The prosecutor.

2 Q. Okay. All right.

3 MR. VERRILLO: I have nothing further.

4 MR. MARANGOLA: Judge, if I could just briefly?

10:47:55AM 5

REDIRECT EXAMINATION

6 BY MR. MARANGOLA:

7 Q. Mr. Aponte Camacho, tell the jury what you understand will
8 happen if you don't tell the truth?

9 A. He's gonna take the plea, he's not gonna make the motion
10 for the judge to reduce my sentence, and he's gonna charge me
11 with perjury.

12 MR. MARANGOLA: Thank you. Nothing further.

13 MR. VERRILLO: Nothing further, Judge.

14 THE COURT: Thank you. Thank you, you may step
10:48:38AM 15 down.

16 (WHEREUPON, the witness was excused).

17 THE COURT: Ladies and gentlemen, at this time we'll
18 take a recess. In the meantime, I'd ask you not discuss the
19 matter or allow anybody to discuss the matter with you. The
10:49:05AM 20 jury may step down, we'll stand in recess.

21 (WHEREUPON, there was a pause in the proceeding).

22 (WHEREUPON, the defendant is present; the jury is
23 present).

24 THE COURT: Ready to proceed, call your next
11:23:07AM 25 witness.

1 **MS. KOCHER:** Thank you, Your Honor. The Government
2 called Ronald Standish.

3 **GOVERNMENT'S WITNESS, RONALD STANDISH, SWORN**

4 **DIRECT EXAMINATION**

11:23:14AM 5 **THE CLERK:** Please state your full name and spell
6 your last name for the record.

7 **THE WITNESS:** Ronald Standish, S-T-A-N-D-I-S-H.

8 **THE REPORTER:** Thank you.

9 **THE CLERK:** Thank you. Have a seat right up here.

11:24:11AM 10 **THE COURT:** Good morning. Mr. Standish, based upon
11 the fact you're testifying behind plexiglas, you can remove
12 your mask while you testify.

13 **THE WITNESS:** Thank you.

14 **THE COURT:** You may proceed.

11:24:19AM 15 **MS. KOCHER:** Thank you.

16 **BY MS. KOCHER:**

17 Q. Good morning.

18 A. Good morning.

19 Q. Could you please introduce yourself to the jury?

11:24:24AM 20 A. My name is Ronald Standish. I am 37 years old. I live in
21 Orleans County.

22 Q. Mr. Standish, make sure those microphones are close to you
23 so everybody can hear. How are you this morning?

24 A. I'm well.

11:24:42AM 25 Q. You little nervous?

1 A. Nervous, absolutely.

2 Q. You mentioned that you live in Orleans County?

3 A. Yes, I do.

4 Q. How long have you lived in Orleans County?

11:24:51AM 5 A. My entire life besides two years I attended Monroe
6 Community College.

7 Q. Okay. Did you get a degree from Monroe County -- Community
8 College?

9 A. I did, in business administration.

11:25:04AM 10 Q. And did you graduate from high school?

11 A. I did.

12 Q. What high school?

13 A. Albion Central.

14 Q. What year did you graduate?

11:25:13AM 15 A. 2002.

16 Q. Mr. Standish, are you married or single?

17 A. I am married.

18 Q. And do you have any children?

19 A. I have two boys, yes.

11:25:23AM 20 Q. How old are your sons?

21 A. 12 and 8.

22 Q. Mr. Standish, are you currently employed?

23 A. Yes.

24 Q. Could you please tell the jury where you're employed?

11:25:34AM 25 A. I work for Christine's Cleaning With Care. I clean both

1 residential and commercial properties in Rochester and
2 Pittsford areas.

3 Q. How long have you been doing that?

4 A. For just about three and a half years.

11:25:46AM 5 Q. Now, before starting your employment with the cleaning
6 company, where did you work?

7 A. I'm a former New York State correctional officer.

8 Q. And what did you do as a correctional officer?

9 A. I maintained the safety and well-being of the inmates that
11:26:04AM 10 I was assigned to.

11 Q. You worked in state prisons?

12 A. I did, yes.

13 Q. What were some of the prisons that you worked at?

14 A. The first prison I started at was Sullivan Correctional
11:26:17AM 15 Facility down in the New York City area. I transferred from
16 there to Five Points Correctional Facility. Then to Attica
17 Correctional Facility. And back to my home jail, which was
18 Orleans Correctional Facility.

19 Q. When you were working in the Sullivan County Correctional
11:26:34AM 20 Facility did you live down there?

21 A. I did. I traveled. I would go for a week at a time and
22 come home on the weekends.

23 Q. Okay. How long of a drive?

24 A. Yes, I did live down there.

11:26:43AM 25 Q. How long of a drive was that?

1 A. Four and a half hours or so.

2 Q. Okay. And when did you start your work as a corrections
3 officer?

4 A. In June of 2012.

11:26:54AM 5 Q. How many hours a week were you working?

6 A. At the bare minimum 40 or 50 or so, sometimes 50.

7 Q. What hours did you work?

8 A. I worked all of them at some point. Day shift, I did a
9 lot of overnights into the day shift. When I returned to my
10 home jail I was mainly overnights.

11:27:15AM

11 Q. Okay. And your home jail being Orleans County?

12 A. Correct.

13 Q. Now, you mentioned you began working as a corrections
14 officer about June of 2012?

11:27:29AM 15 A. That's correct.

16 Q. How long were you a corrections officer?

17 A. For about just about four years to the day.

18 Q. And why did your employment end with the New York State
19 Department of Corrections?

11:27:41AM 20 A. I resigned from my position on June 8th, 2016.

21 Q. I'm sorry, what day?

22 A. June 8th, 2016.

23 Q. And why did you resign?

24 A. I was arrested for criminal possession of a controlled

11:27:55AM 25 substance in the third degree, five counts, and criminal sale

1 of a controlled substance in the third degree also five
2 counts.

3 Q. Okay. I'd like to show you what's not been received into
4 evidence as Government's Exhibit 30. Can you see that photo
11:28:14AM 5 on your monitor, Mr. Standish?

6 A. Yes.

7 Q. And do you recognize the individual in that photograph?

8 A. That is myself.

9 Q. Okay. Does that photograph fairly and accurately depict
11:28:25AM 10 the way that you looked when you were arrested back in June of
11 2016?

12 A. Yes.

13 **MS. KOCHER:** Your Honor, I'd offer Government's 30.

14 **MR. VERRILLO:** No objection.

11:28:35AM 15 **THE COURT:** Exhibit 30 will be received.

16 (WHEREUPON, Government Exhibit 30 was received into
17 evidence).

18 **BY MS. KOCHER:**

19 Q. Ms. Rand, could we publish that for the jury? Oh, thank
11:28:50AM 20 you.

21 All right, now, Mr. Standish had you ever been
22 arrested before June of 2016?

23 A. No, I had not.

24 Q. Now, when you were arrested on those drug charges were
11:29:09AM 25 those state or federal offenses?

1 A. They were state charges.

2 Q. Did you ultimately plead guilty to a charge?

3 A. I ended up pleading guilty to possession in the seventh
4 degree which is a Class A misdemeanor.

11:29:23AM 5 Q. Were you originally charged with felony offenses?

6 A. Yes.

7 Q. Now, when you were arrested did you agree -- what did you
8 do when you were arrested? Did you agree to cooperate?

9 A. I did agree to cooperate.

11:29:35AM 10 Q. Okay. And did you sign a cooperation agreement?

11 A. I did, yes.

12 Q. And what was your understanding of that cooperation
13 agreement?

14 A. To speak the truth of what led up to my arrest.

11:29:53AM 15 Q. Okay. Now, was there a time limit on that cooperation
16 agreement?

17 A. Nine months.

18 Q. Okay. And did you ultimately complete that time period?

19 A. I did, yes.

11:30:04AM 20 Q. And once you completed the time period and the terms of
21 the cooperation agreement were you allowed to plead guilty to
22 the lesser charge, that misdemeanor?

23 A. Yes.

24 Q. Were you sentenced or what was your sentence on that
11:30:19AM 25 charge?

1 A. I was sentenced to a one year conditional discharge.

2 Q. Now, the terms of that cooperation agreement, have those
3 been completed today?

4 A. Yes, they have.

11:30:33AM 5 Q. Are you testifying here today pursuant to a subpoena that
6 you received?

7 A. Yes, that's correct.

8 Q. All right. Now, we'll discuss your arrest in a bit more
9 detail later, but at the time of your arrest were you
11:30:47AM 10 struggling with drug addiction?

11 A. Yes, yes.

12 Q. What drug?

13 A. I was addicted to both heroin and cocaine.

14 Q. For about how long were you addicted to heroin and
11:30:59AM 15 cocaine?

16 A. Approximately 15 months or so.

17 Q. Okay. Have you been sober now?

18 A. Yes.

19 Q. What is your clean date?

11:31:10AM 20 A. September 13th of 2017. So a little over four years.

21 Q. Now, how did your drug addiction begin?

22 A. It began -- I began taking Oxycodone and OxyContin prior
23 to the first time I used heroin. I was taking it for pain.

24 Q. All right. You said you were taking it for pain. Did you
11:31:34AM 25 have any injuries?

1 A. I did. I broke my pelvis when I was 17 years old playing
2 baseball sliding into third base. And I had a lower back
3 injury from when I was working.

4 Q. All right. Now, you broke your pelvis when you were 17?

11:31:53AM 5 A. Yes.

6 Q. Can you tell us about that?

7 A. I was sliding into third base playing in a league for --
8 it was ages like 14 to 16 or so, and an ambulance had to come
9 pick me up off the field. I was taken to the hospital.

11:32:12AM 10 Q. Did you stay in the hospital for a bit?

11 A. For the day.

12 Q. What was the treatment like to recover from that injury?

13 A. It was total bed rest. I believe it was eight to 12
14 weeks.

11:32:25AM 15 Q. Now, you also mentioned a lower back injury?

16 A. Yes.

17 Q. How did you injure your lower back?

18 A. I was pulling a pallet jack through a warehouse company
19 that I had worked for at the time and the front wheels of the
11:32:45AM 20 pallet jack fell into like a hole and it ripped my back and I
21 shifted two disks in my lower back.

22 Q. You mentioned that was on the job?

23 A. Yes.

24 Q. Where were you working at that time?

11:32:57AM 25 A. It was a company called BMP. It's in Medina.

1 Q. What does BMP do?

2 A. They manufacture like medical equipment.

3 Q. Okay. Now, the pallet jack, what is that that you were
4 pulling? Can you describe what it looked like?

11:33:20AM 5 A. It's used to pick up pallets. There's two wheels on the
6 front, two wheels on the back side of it, almost looks like a
7 fork almost.

8 Q. And was that full that you were pulling through the
9 warehouse?

11:33:33AM 10 A. It was, yes.

11 Q. Was this a job that you had before becoming a corrections
12 officer?

13 A. Yes.

14 Q. And what -- were you diagnosed with an injury after that?

11:33:47AM 15 A. I was. I went to the doctor, I was told that I had
16 shifted two disks. There's really not much they can do. It
17 wasn't severe enough to call for surgery. I still to this day
18 have problems with it.

19 Q. Okay. Can you describe the pain that you experienced from
11:34:04AM 20 the lower back injury and your fractured pelvis?

21 A. It was moderate to severe. I mean, at times when the
22 weather changed it was worse than other times.

23 Q. Okay. Did you have ongoing pain after those injuries
24 occurred?

11:34:22AM 25 A. Yes.

1 Q. Now, when you became a corrections officer in June of 2012
2 did you have to go through some training for that job?

3 A. I did. It was an eight week training program, took place
4 in Albany. I would go Monday through Friday and come home on
11:34:39AM 5 the weekends.

6 Q. What were some of the things that you had to do for that
7 training period?

8 A. There was both physical and academic training, testing,
9 running, defensive tactics. Just getting physically in shape.

11:34:59AM 10 Q. Okay. Did that training aggravate the injuries that you
11 had experienced to your lower back and pelvis?

12 A. It did, yes.

13 Q. And what did you do to alleviate that pain?

14 A. I began taking Oxycodone and OxyContin at that time.

11:35:14AM 15 Q. Do you remember about when you started taking the pills?

16 A. Around 2013, '14, early '14 maybe.

17 Q. So you were working as a corrections officer at that time?

18 A. I was, yes.

19 Q. Where were you getting the pills from?

11:35:37AM 20 A. I was getting them from friends and family.

21 Q. Okay. Did you ever ask a doctor for a prescription?

22 A. I did not.

23 Q. Why not?

24 A. I was afraid of it effecting my job. I didn't want a
11:35:55AM 25 record of it.

1 Q. A record of what?

2 A. Of being on a controlled substance and working within a
3 correctional facility.

4 Q. Now, you mentioned you would get the pills from friends
11:36:07AM 5 and family?

6 A. Yes.

7 Q. Would they pay or would you pay for it or would they just
8 give them to you?

9 A. I would mostly pay for them. Sometimes they would be
11:36:19AM 10 given to me.

11 Q. And when you started getting the pills from friends and
12 family how often were you getting oxys?

13 A. I was taking them every day.

14 Q. How many times a day?

11:36:32AM 15 A. At first one or two. And it progressed to eight to ten a
16 day.

17 Q. Okay. And how much were they charging you for the pills?

18 A. They were \$15 when I first started taking them and at the
19 end they were \$30 apiece.

11:36:49AM 20 Q. How would you consume the pills?

21 A. I would snort them.

22 Q. How would you do that?

23 A. I would crush them up and use a straw to snort it.

24 Q. Can you pull those mics closer to you? I think your voice
11:37:05AM 25 might be trailing off a bit.

1 All right. Now, over time did it become more
2 difficult to get the pills from friends and family?

3 A. It did.

4 Q. And why was that?

11:37:17AM 5 A. They became more regulated. They were being highly abused
6 throughout our country, it became a problem, a serious
7 problem.

8 Q. They had a harder time getting their prescription?

9 A. Yes.

11:37:30AM 10 Q. How would you feel if you didn't get the pills on a daily
11 basis?

12 A. Awful. Withdrawal, sick, restlessness, vomiting,
13 diarrhea. It wasn't a pretty sight.

14 Q. All right. Now, as it became more difficult to get the
11:37:53AM 15 pills from your friends and family, what did you do?

16 A. I rode out to the City of Rochester with my brother and we
17 -- our intentions to come to the city were to buy pills. And
18 we ended up with heroin.

19 Q. Okay. Did your brother also use prescription medication at
11:38:14AM 20 the time?

21 A. He did, yes.

22 Q. Why did you come to the City of Rochester for that?

23 A. We've always known that in particular the Clinton Avenue
24 area was -- there was a lot of drugs. I mean, you can drive
11:38:30AM 25 the down the street and people wave you down and it's fairly

1 easy to get drugs if you want them.

2 Q. And where did you go that first time you came to Rochester
3 with your brother?

4 A. The first time we ended up at the Valero gas station on
11:38:46AM 5 North Clinton Avenue.

6 Q. And what happened when you got there?

7 A. I was driving. I pulled into the parking lot and my
8 brother got out of the vehicle. When he returned to the
9 vehicle he had heroin and we then headed back home.

11:39:06AM 10 Q. Okay. And what did you do on the ride back home?

11 A. On the ride back my brother put two lines out on a CD
12 case that I had in my vehicle and we both snorted a line of
13 heroin.

14 Q. When you snorted the heroin did it have similar effects to
11:39:22AM 15 the Oxycodone and OxyContin pills you had taken?

16 A. It did, yes.

17 Q. Now, after that did you continue going back to the city to
18 buy heroin?

19 A. I did, yes.

11:39:34AM 20 Q. Did there come a time that you started buying drugs on
21 Burbank Street?

22 A. Yes.

23 Q. And how did that come about?

24 A. By mistake. I was turning around -- I drove -- I got off
11:39:51AM 25 490 and headed down North Clinton Avenue to the gas station

1 where I had previously been able to buy heroin. I continued
2 down North Clinton and went to turn around and ended up on
3 Burbank Street.

4 Q. Can you describe Burbank Street?

11:40:10AM 5 A. It's a one-way street, residential one-way street off of a
6 main road.

7 Q. Okay. I'd like to show you what has already been received
8 into evidence as Exhibit 35. Do you recognize the area
9 depicted in this map?

11:40:28AM 10 A. Yes.

11 Q. And what do you recognize this area as?

12 A. I recognize Burbank Street. I recognize it all -- all of
13 it.

14 Q. Okay. You recognize Burbank Street and the surrounding
11:40:45AM 15 streets?

16 A. Yes.

17 Q. Now, that day when you were trying to get to the Valero,
18 are the streets that you took on this map?

19 A. Yes.

11:40:54AM 20 Q. You should be able to mark the monitor. If you could just
21 draw an arrow about the general direction that you drove?

22 A. I turned off of Clinton Avenue down Oscar Street and then
23 I turned right onto Remington Street and then a right onto
24 Burbank Street.

11:41:14AM 25 Q. Okay. So you've made an arrow from North Clinton onto

1 Oscar Street and then another arrow from Oscar Street turning
2 right onto Remington, and then a third arrow turning right
3 from Remington onto Burbank Street?

4 A. That's correct.

11:41:31AM 5 Q. Okay. Do you recall about when it was that you went to
6 Burbank Street by mistake that day?

7 A. It was early -- early 2015.

8 Q. And what happened as you drove down Burbank Street back
9 towards North Clinton Avenue?

11:41:48AM 10 A. When I turned onto Burbank Street there was -- I noticed a
11 group of people on the sidewalk. I made it halfway down the
12 street and somebody on the street was hollering boy and girl
13 which boy means heroin.

14 **MR. VERRILLO:** Objection.

11:42:09AM 15 **THE COURT:** Overruled. Go ahead. You can finish
16 your answer.

17 **THE WITNESS:** Girl means cocaine.

18 **BY MS. KOCHER:**

19 Q. And when that person started yelling boy and girl at you,
11:42:19AM 20 what did you do?

21 A. I stopped.

22 Q. Okay. What happened?

23 A. I stopped and told them -- told him what I wanted and he
24 gave me the drugs, I gave him the money and I continued.

11:42:33AM 25 Q. What did you tell him that you wanted?

1 A. I don't recall specifically. It was a few bags.

2 Q. A few bags of what?

3 A. Of heroin.

4 Q. Okay. All right. Now, after that did you continue going
11:42:51AM 5 back to Burbank Street to buy heroin?

6 A. I did, yes.

7 Q. Why wouldn't you go back to the Valero?

8 A. I -- I felt safer I guess. It was off of the main road.

9 It wasn't -- I felt like there was less of a chance that I
11:43:10AM 10 would be spotted or seen by a police officer.

11 Q. Okay. How often would you go back to Burbank to buy drugs?

12 A. At first it was every couple days. Then it progressed to
13 every day, sometimes twice a day.

14 Q. And for how long were you going to the Burbank area to buy
11:43:35AM 15 drugs?

16 A. For about 15 months or so.

17 Q. Okay. Now, you mentioned this first time that you were on
18 Burbank Street you purchased heroin?

19 A. That's correct.

11:43:44AM 20 Q. Did you buy any other drugs on Burbank Street?

21 A. I bought cocaine as well.

22 Q. And why were you buying cocaine as well?

23 A. At that point I wasn't -- I began to start mixing it
24 together. It's called speed balling. You mix heroin and
11:44:08AM 25 cocaine together and snort it together.

1 Q. And who told you about that?

2 A. My brother actually introduced me to that.

3 Q. Do you remember about when you started buying cocaine
4 along with the heroin on Burbank Street?

11:44:27AM 5 A. After a couple weeks or so. It wasn't long.

6 Q. So when you were going to Burbank Street several times a
7 week over -- for over a year, most of that time you were
8 buying both cocaine and heroin?

9 A. Yes.

11:44:41AM 10 Q. And you mentioned that you would mix the cocaine and
11 heroin together. How would you then consume the mixture?

12 A. I would also snort it.

13 Q. All right. Now, during this time were you still living in
14 Orleans County?

11:44:58AM 15 A. Yes.

16 Q. How would you get to Burbank Street?

17 A. I would drive.

18 Q. What car were you using?

19 A. I was -- I was driving my -- I owned a 2012 Chevy Malibu,
11:45:09AM 20 white Chevy Malibu.

21 Q. How long was your drive from Orleans County to Burbank?

22 A. 45 minutes one way.

23 Q. So about an hour and a half round trip?

24 A. Hour and a half round trip.

11:45:21AM 25 Q. Did you have any other reasons to come to the City of

1 Rochester at that time?

2 A. No.

3 Q. All right. Now, you mentioned you would consistently go to
4 Burbank Street for over a year. Can you explain just
11:45:38AM 5 generally what your trips to Burbank were like? What would
6 happen when you got there?

7 A. As far as? I don't understand.

8 Q. Sure. I can rephrase that. So typically when you would
9 go to Burbank Street to buy cocaine and heroin, what would
11:45:58AM 10 happen?

11 A. I would -- I would arrive and it was always a quick
12 process. In and out. I would pull up, give the money, get
13 the drugs and off on my way home.

14 Q. Okay. Were there ever times that you went and there was
11:46:16AM 15 nobody to buy from or they didn't have enough product for you?

16 A. There was -- I was working overnights, so I would try to
17 go out in the morning when I got out of work. I worked until
18 7 in the morning and then I would drive to the city. I would
19 get out to the city around 8 or so. And it was early. At
11:46:39AM 20 that time nobody was out selling at that point.

21 Q. So what would you do then?

22 A. I would wait. I didn't want to drive all the way back to
23 Orleans County and then have to make the same trip again. I
24 tried to wait it out.

11:46:56AM 25 Q. Where would you wait?

1 A. Right on Burbank Street.

2 Q. In your car?

3 A. Yes.

4 Q. About how long would you have to wait sometimes?

11:47:05AM 5 A. Sometimes an hour, sometimes two at most.

6 Q. Doing your regular visits to Burbank were you able to make
7 observations of the area?

8 A. Yes, yes.

9 Q. Did you make observations of the people in the area as
11:47:21AM 10 well?

11 A. Yes.

12 Q. Did you speak with people in the area?

13 A. Yes.

14 Q. Okay. What were some of the observations that you made
11:47:29AM 15 during your regular visits to Burbank for over a year?

16 A. There was a lot of traffic for being a one-way street. It
17 was -- I recognized a lot of the same faces over the time that
18 I was going there. I learned a few names of people that I was
19 buying from while I was going there. It didn't appear to be
11:48:05AM 20 the safest neighborhood.

21 Q. Why do you say that?

22 A. It just -- there are a lot of drug users wandering,
23 walking the streets. I mean, I -- I was worried I'd get
24 robbed or -- it wasn't smart.

11:48:26AM 25 Q. What wasn't smart?

1 A. To even be out there smart.

2 Q. You mentioned you learned some people's names and observed
3 some of the same faces while you were there?

4 A. Yeah.

11:48:35AM 5 Q. What were some of the things you saw people doing on the
6 street?

7 A. I'm not quite sure. There were times I'd pull on the
8 street and there would be a person standing at each end of the
9 street looking; they're watching for law enforcement.

11:48:58AM 10 The reason I know that is because I'd watch them.
11 When a cop would drive by, they would throw their hands up or
12 yell down to the middle of the road, whoever it was at the
13 time was standing.

14 Q. What was going on in the middle of the road?

11:49:12AM 15 A. That's usually where you could -- where the workers -- I
16 refer to them as the workers would have drugs to sell.

17 Q. When you say "workers," were those the people you would
18 buy from?

19 A. Yes.

11:49:27AM 20 Q. You mentioned the middle of the street. Could you circle
21 on Government's Exhibit 35 the approximate area that you're
22 referring to when you say the middle of the street?

23 A. It would be somewhere in this area.

24 Q. Okay. So you've drawn a mark on Burbank Street just in
11:49:46AM 25 front of the house with the number 14 on it?

1 A. Yes.

2 Q. All right. Now, do you see anybody that you dealt with on
3 Burbank Street in court today?

4 A. I do, yes.

11:50:00AM 5 Q. Could you please identify that person by an article of
6 clothing that they're wearing?

7 A. Blue shirt.

8 Q. Where is that person seated?

9 A. Behind yourself.

11:50:11AM 10 Q. There's a couple blue shirts back there. Any other
11 descriptive --

12 A. The blue mask.

13 **MS. KOCHER:** Your Honor, could you let the record
14 reflect the witness has identified the defendant?

11:50:20AM 15 **THE COURT:** Yes, the record will note the
16 identification of the defendant.

17 **BY MS. KOCHER:**

18 Q. Mr. Standish, how did you know the defendant?

19 A. I recognize him from when I was going to Burbank. Most of
11:50:35AM 20 the time he would be present and over time I learned his name
21 and began buying drugs from him.

22 Q. Okay. What did you know his name as?

23 A. Pepe.

24 Q. Now, you mentioned that he was usually there when you went
11:50:53AM 25 to Burbank?

1 A. Yes.

2 Q. What were some of the things that you saw him do on
3 Burbank?

4 A. I watched him bring drugs to the workers. I watched him
11:51:10AM 5 interact with the people I saw on Burbank. He was familiar
6 with the area.

7 Q. You say you saw him interact with other people on Burbank?

8 A. Yes.

9 Q. Can you describe those interactions?

11:51:25AM 10 A. He appeared to be in control of the people that I was
11 buying drugs from at the time.

12 Q. And why do you say that?

13 A. His tone, his demeanor, his -- he always appeared to be
14 very serious, paranoid.

11:51:49AM 15 Q. You also mentioned that you ended up buying drugs from him
16 at some point?

17 A. I did, yes.

18 Q. What kind of drugs did you buy from the defendant?

19 A. Both heroin and cocaine.

11:52:04AM 20 Q. All right. I'd like to show you what's been received into
21 evidence as Government's Exhibit 1. Mr. Standish, if you hit
22 the upper right of your monitor a little arrow should pop up.
23 If you hit the arrow a menu should appear. I'm sorry,
24 Ms. Rand beat you to it. All right, sorry about that. I was
11:52:25AM 25 going to have you clear your marks, but Ms. Rand was on it.

1 All right, are you able to see Government's Exhibit

2 1?

3 A. Yes.

4 Q. And do you see the individual you just identified as the
11:52:35AM 5 defendant in Government's Exhibit 1?

6 A. I do, yes.

7 Q. Could you please circle his photo? Okay, so you've
8 circled in the third row the photograph fourth from the left?

9 A. Correct.

11:52:51AM 10 Q. Now, do you recognize anyone else on Government's Exhibit
11 1?

12 A. I do, yes.

13 Q. And where do you recognize those individuals from?

14 A. From -- all from Burbank Street.

11:53:05AM 15 Q. Okay. Could you please circle the photographs of the
16 individuals that you recognize from Burbank in addition to the
17 defendant? Okay.

18 So we now have five photographs that are circled in
19 addition to the defendant. You circled the individual to the
11:53:36AM 20 left of the defendant in the black T-shirt; is that correct?

21 A. That's correct.

22 Q. And in the bottom row you've circled every individual
23 except the male in the white shirt; is that correct?

24 A. That's correct.

11:53:51AM 25 Q. Okay. Now, starting with the individual to the defendant's

1 left, the male in the black T-shirt in the third row, how do
2 you know that person?

3 A. I knew him as Pepe's brother. I never -- I never knew a
4 name, though.

11:54:10AM 5 Q. Okay. And what were your interactions with him like?

6 A. I also bought heroin and cocaine from him.

7 Q. Okay. Was that in the area of Burbank Street?

8 A. Yes.

9 Q. Any other areas that you purchased heroin and cocaine from
11:54:25AM 10 the individual you knew as Pepe's brother?

11 A. Yes. I bought drugs from him on Thomas Street as well.
12 And also an apartment complex on North Clinton Avenue.

13 Q. Okay. All right. Now, the bottom row, the first individual
14 you circled appears to be in a blue hooded sweatshirt?

11:54:50AM 15 A. Yes.

16 Q. Who was that person?

17 A. That is Rafi. I learned to be Rafi.

18 Q. How did you know Rafi?

19 A. He was the first contact that I had on Burbank Street.

11:55:07AM 20 Q. Okay. What do you mean by that?

21 A. That I -- he was the first person to give me a phone
22 number.

23 Q. Okay. Now, you've described the day that you began buying
24 on Burbank when you accidentally drove down the street. Is the
11:55:23AM 25 individual that sold to you that day in Government's Exhibit

1 1?

2 A. Yes.

3 Q. And who was that person?

4 A. That is who I knew as Rafi, the fourth row down, first
11:55:33AM 5 photograph.

6 Q. All right. In the blue hooded sweatshirt?

7 A. Yes.

8 Q. So describe your interactions with Rafi.

9 A. I bought -- I bought drugs from him, heroin and cocaine.

11:55:51AM 10 I dealt with him for a few months or so.

11 Q. Okay. And would you see him consistently during those few
12 months?

13 A. Yes.

14 Q. Did Rafi have any sort of physical ailments?

11:56:02AM 15 A. He had a -- like a really big open wound on one of his
16 legs. It looked like it was like very infected.

17 Q. Do you know whether or not Rafi was a drug user?

18 A. Yeah, absolutely, yes.

19 Q. How do you know that?

11:56:22AM 20 A. I watched him stick a needle into that open wound on his
21 leg.

22 Q. And what was in the needle?

23 A. Heroin.

24 Q. All right. Moving on to the individual to Rafi's right in
11:56:38AM 25 the red shirt, who was that person?

1 A. I knew that person as Flaco.

2 Q. And how did you know Flaco?

3 A. I also bought drugs both, heroin and cocaine from him.

4 Q. On Burbank Street?

11:56:52AM 5 A. Yes.

6 Q. And finally the last person in the bottom row in the
7 yellow shirt, how did you know that person?

8 A. I knew him as Cono, which I also bought heroin and cocaine
9 from on Burbank Street.

11:57:11AM 10 Q. And when you say Cono, is that C-O-N-O?

11 A. Yes.

12 Q. Mr. Standish, I'd next like to show you what's already
13 been received into evidence as Government's Exhibit 15. Do
14 you recognize the individual in this photo?

11:57:37AM 15 A. I do, yes.

16 Q. How do you recognize this gentleman?

17 A. I recognize -- I knew his name as Kano, also from Burbank
18 Street.

19 Q. How would you spell that name?

11:57:51AM 20 A. K-A-N-O.

21 Q. Okay. So similar to Cono, but a little different?

22 A. Yes, yes.

23 Q. Okay. And how did you know Cano?

24 A. I bought heroin and cocaine from him as well.

11:58:06AM 25 Q. And where did you buy from him?

1 A. Burbank Street and Kohlman Street and Thomas Street.

2 Q. All right. Next I'd like to show you Government's Exhibit
3 19 that's been received. Do you recognize the individual in
4 this photo?

11:58:35AM 5 A. I do.

6 Q. And how do you recognize this person?

7 A. Also from Burbank Street.

8 Q. How do you know him from Burbank Street?

9 A. I remember him -- his face specifically, but from a house
11:58:53AM 10 that was on Burbank Street.

11 Q. Okay. Did you ever buy from this individual if you recall?

12 A. I don't recall if I actually bought from him, but I know
13 that he was present at times that I did buy.

14 Q. Okay. The house that you would see him at, was that one of
11:59:09AM 15 the houses you would go to to purchase cocaine and heroin?

16 A. Yes.

17 Q. Did you know this individual's name?

18 A. I did not, no.

19 Q. All right. I'm going to pull Government's Exhibit 35 back
11:59:27AM 20 up. Mr. Standish, you mentioned the first time you bought
21 from Rafi on Burbank Street you were out on the street?

22 A. Yes.

23 Q. Is that typically how it would work?

24 A. At first when I first began going down to Burbank Street.
11:59:45AM 25 But as I continued going, I did begin going to a house.

1 Q. Okay. And how did that come about?

2 A. Rafi -- I knew him as Rafi, told me to walk up the -- when
3 I showed up, just to walk up the driveway to the back of a
4 residence.

12:00:03PM 5 Q. Did he tell you what house?

6 A. Yes.

7 Q. Was that the only house that you purchased cocaine and
8 heroin from?

9 A. No, there was one other house.

12:00:13PM 10 Q. Okay. I'd like to show you what's been received into
11 evidence as Government's Exhibit 45. Do you recognize any of
12 the houses in Exhibit 45?

13 A. The house to the far left. This one.

14 Q. You've circled -- you've circled the white and black house
12:00:40PM 15 on the left of the photograph?

16 A. Yes.

17 Q. Okay. And how do you recognize that house? That white
18 house?

19 A. I would walk up -- you can't see it in this photo, but
12:00:51PM 20 there's a driveway to the left of the house, I would walk to
21 the back of the house up that driveway.

22 Q. Okay. And what would happen when you would get to the back
23 of the house?

24 A. In most cases Rafi would be -- he would either be
12:01:05PM 25 standing -- he had like -- it was an office chair back there

1 that he would sit in.

2 Q. And what would happen when you got to Rafi in his office
3 chair?

4 A. I would buy heroin and cocaine from him.

12:01:17PM 5 Q. Did you see where he would keep the supply of heroin and
6 cocaine?

7 A. He mostly -- he always wore a fanny pack around his waist.
8 But if I -- if I needed or I wanted more than what he had on
9 him, then he would yell over -- there's a fence line that runs
10 on the back of that house.

11 Q. Can you see the fence line in this photograph?

12 A. Just barely. It's like right here.

13 Q. Okay. So you've placed a green mark on what looks like a
14 tall wooden fence; is that correct?

12:01:54PM 15 A. Yes.

16 Q. And that's at the back of the driveway behind the blue and
17 white house?

18 A. That's correct.

19 Q. Okay. And what would happen when he didn't have enough?

12:02:05PM 20 A. He would just yell out -- he would yell over the fence and
21 somebody would come out the back porch of the white and blue
22 house and pass it over the fence line.

23 Q. Okay. The white and blue house, is that the one in the
24 center of the photo?

12:02:21PM 25 A. Yes, this one.

1 Q. Okay. You've circled the white and blue house in the
2 center of the photo now?

3 A. Yes.

4 Q. When the person would come out of the back porch of that
12:02:34PM 5 middle house, what would happen?

6 A. They would pass it over the fence and Rafi would then give
7 me what I wanted and I would leave.

8 Q. What would they pass over the fence?

9 A. Heroin and cocaine.

12:02:47PM 10 Q. Now, when you were buying from this location about how
11 much were you purchasing?

12 A. A couple -- a few bundles or so. A bundle is ten separate
13 bags within another bag. They were -- when I was first going
14 I was being charged \$10 a bag, and I later was told that they
12:03:23PM 15 were actually supposed to be \$5 bags.

16 Q. Okay. So a bundle -- originally you were paying \$100 for a
17 bundle?

18 A. That's correct.

19 Q. Ten individual bags?

12:03:34PM 20 A. Right.

21 Q. And then the price dropped to \$50 a bundle?

22 A. That's correct.

23 Q. Okay. Were you buying bundles of both heroin and cocaine?

24 A. Yes, I was.

12:03:44PM 25 Q. Okay. Would you purchase more heroin versus more cocaine

1 or vice versa?

2 A. Always more heroin than cocaine.

3 Q. Why is that?

4 A. I felt at the time that I needed the heroin. I could go
12:03:58PM 5 without the cocaine, but without the heroin I was -- I was
6 sick and going through withdrawal.

7 Q. Okay. All right, next I'd like to show you what's been
8 received into evidence as Exhibit 44. Do you recognize any of
9 the buildings in this photo?

10 A. I do, yes.
12:04:22PM

11 Q. Which houses do you recognize?

12 A. The house that appears to be burned.

13 Q. You've placed a circle around the house in the middle of
14 the photo?

15 A. Yes.
12:04:33PM

16 Q. How do you recognize this house?

17 A. I also bought drugs, both heroin and cocaine, from that
18 house as well.

19 Q. When you were purchasing heroin and cocaine from this
12:04:46PM 20 location, was it in this condition?

21 A. No, it was not.

22 Q. All right. It wasn't burned?

23 A. It wasn't burned.

24 Q. When you would buy from this location, how would it work?

12:04:58PM 25 A. There were times that I would walk up this side right

1 here; I would always go in a side door over here; there were
2 times that they would pass it out of a basement window; and
3 there were times that I went into the house as well.

4 Q. Okay. So you've drawn a line on the right side of the
12:05:18PM 5 house? There's a little sidewalk. Is that where you would
6 walk?

7 A. Yes.

8 Q. Okay. And what were you purchasing from this location?

9 A. Both heroin and cocaine.

12:05:27PM 10 Q. Who were some of the people you purchased from at this
11 house?

12 A. Mainly Rafi. I believe Rafi was living in this house.

13 Q. Why do you think Rafi was living there?

14 A. There was one time where I went into the house and I
12:05:49PM 15 actually had to go upstairs with him and it was a bedroom. I
16 saw his like dirty laundry. It appeared to me that he was
17 living there.

18 Q. Okay. Now, other than those two houses that we just
19 discussed, did you buy drugs from anywhere else on Burbank
12:06:11PM 20 Street?

21 A. I also bought out of a U-Haul truck.

22 Q. Okay. Where was that?

23 A. It was a little further down past this burned house.

24 Q. Okay. If I could show you Government's Exhibit 35, the
12:06:27PM 25 map. Do you see the general area where the U-Haul would be

1 parked on the map?

2 A. This area.

3 Q. Okay. You've placed a green mark to the left of the house
4 with the 6 on top?

12:06:47PM 5 A. Yes.

6 Q. And how did it work at the U-Haul when you were purchasing
7 drugs there?

8 A. I would just pull up and I just would park on the side and
9 who I knew as Flaco or Flaco would get out of the vehicle, out
10 of the passenger side of the truck and walk up to my vehicle
11 and sell me both heroin and cocaine.

12 Q. Okay. Was it usually just Flaco that you would purchase
13 from the U-Haul?

14 A. Out of the U-Haul, yes.

12:07:21PM 15 Q. Okay. Now, I'd next like to show you what's been received
16 into evidence as Government's Exhibit 36. Do you recognize
17 this house?

18 A. I do, yes.

19 Q. And how do you recognize that house?

12:07:35PM 20 A. I recognize this -- whoever lived in this house, I watched
21 them communicate with the people that were in the house across
22 the street. And there were times I would try to pull up and
23 actually park in front of this house and I would be told to
24 leave.

12:07:58PM 25 Q. Okay. Now, you saw them communicate with people in the

1 house across the street?

2 A. Yes.

3 Q. Is that one of the houses that we were just discussing?

4 A. Yes.

12:08:06PM 5 Q. If I could show you Exhibit 45. Is that the house you
6 were referring to in this photograph?

7 A. Yes, the house in the middle here.

8 Q. Okay. You've circled the blue and white house in the
9 middle on the photograph?

12:08:34PM 10 A. Yes.

11 Q. If we can go back to Government's Exhibit 36. Did you
12 ever see any vehicles parked in the driveway of that house?

13 A. I remember a nice SUV, a newer nice SUV. I don't recall
14 exactly what type -- what type of SUV it was. But I

12:08:57PM 15 remembered it was nicer, and the reason I say that is because
16 it was the nicest vehicle on the whole street.

17 Q. Okay. Did it stand out a bit?

18 A. It stood out, yes.

19 Q. Okay. What were most of the cars in the area like?

12:09:12PM 20 A. They were more so rundown, rusty. You know, maybe worth a
21 couple hundred bucks.

22 Q. All right. Now, you mentioned that you ended up getting
23 some contact -- well, I think you said Rafi gave you a contact
24 number?

12:09:37PM 25 A. Yes.

1 Q. As time went on and you continued going to Burbank Street,
2 did you get contact or contact numbers for multiple people or
3 different people?

4 A. Yeah, over time, yes.

12:09:52PM 5 Q. Okay. Did you get a phone number the first time you went
6 to Burbank?

7 A. No.

8 Q. About how much time past before you got a phone number?

9 A. Maybe a few weeks.

12:10:02PM 10 Q. At that point you had been going consistently?

11 A. Yeah, Rafi had recognized my face at that point and was
12 comfortable with me.

13 Q. Okay. What phone numbers were you using when you were
14 buying cocaine and heroin on Burbank Street?

12:10:21PM 15 A. There were a few different numbers.

16 Q. Okay. Do you remember any of them?

17 A. Not off the top of my head, no. I'd have to see them.

18 Q. Sure. If I can show you what -- show you 137A that's been
19 received into evidence on direct. If we can go to page 6. Do
12:10:58PM 20 you see a screen shot of a contact in this phone?

21 A. Yes.

22 Q. Do you see at the very bottom the name Ron?

23 A. I do, yes.

24 Q. And can you make out the phone number below the name Ron?

12:11:14PM 25 A. 585-590-1860.

1 Q. And do you recognize that phone number?

2 A. That was my phone number, yes.

3 Q. Just to orient the jury, I'd like to read from the
4 stipulation that's been agreed to by the parties.

12:11:37PM 5 Government's Exhibit 137 is a black Kyocera flip
6 phone with phone number 585-851-6540 that was seized from 11
7 Burbank Street, Rochester, New York, on August 12th, 2015.

8 Government Exhibit 137A is the device data report
9 containing the data forensically retrieved from Government
12:12:03PM 10 Exhibit 137.

11 Mr. Standish, this phone number 590-1806 was a
12 number that you were using when you were buying cocaine and
13 heroin on Burbank Street?

14 A. That's correct.

12:12:16PM 15 Q. Were there other phone numbers and phones that you used at
16 the same time?

17 A. I was also using 585-281-1806 number. That phone was
18 actually my wife's.

19 Q. Okay. Now, you mentioned your wife. Were you the only
12:12:50PM 20 one in your family that was struggling with addiction at the
21 time?

22 A. My wife also was struggling and my brother as well.

23 Q. Okay. What sort of drugs was your wife addicted to?

24 A. She was using what I was using, both heroin and cocaine,
12:13:10PM 25 snorting it.

1 Q. Would she ever go to Burbank Street with you?

2 A. Yes.

3 Q. Okay. Did she usually go with you or was it just you?

4 A. Not often. But there were times that she did, yes.

12:13:23PM 5 Q. Okay. When you would go to Burbank without your wife,
6 would you share what you purchased?

7 A. Yes.

8 Q. She knew you were going to the Burbank area?

9 A. She did, yes.

12:13:34PM 10 Q. How many bundles of cocaine and heroin do you think you
11 and your wife were going through each week?

12 A. Maybe 20 or so.

13 Q. Okay. And did it start out as 20 a week or did it progress
14 to that?

12:13:57PM 15 A. No, no, it progressed to that.

16 Q. And you mentioned earlier that a bundle was \$50 apiece?

17 A. That's correct.

18 Q. So that's quite a bit of money you were spending each
19 week?

12:14:07PM 20 A. It is, yes.

21 Q. How were you paying for the drugs you were buying on
22 Burbank?

23 A. I made decent money as a correctional officer. And my
24 wife also had a state job and we were spending just about
12:14:24PM 25 every dollar of that on drugs; and I was also pawning things

1 that I owned, things that my parents owned, things that her
2 parents owned.

3 Q. How did the pawning work?

4 A. I would take an item to a pawn shop out here in Rochester
12:14:42PM 5 and I would be given a loan on the item that I brought in.

6 Q. So you would give them an item and they would give you
7 cash?

8 A. Yes.

9 Q. What would happen after that?

10 A. I would leave the pawn shop and go directly to Burbank
11 Street.

12 Q. Would you try and buy the item back?

13 A. Yeah, I tried always to do a loan so that I could get the
14 items back.

12:15:05PM 15 Q. Would they charge you interest at the pawn shop?

16 A. Yes.

17 Q. What was the interest rate they were charging?

18 A. I'm not sure what the interest rate was exactly, but say I
19 did a \$100 loan and I went back a week later, it may be \$125,
12:15:24PM 20 \$130 I'd have to pay back.

21 Q. And would you tell your wife when you were going to
22 Burbank Street?

23 A. Yes.

24 Q. Why?

12:15:32PM 25 A. So she knew where I was. I always told her so she knew

1 where I was.

2 Q. All right. Now, I'd like to show you what's not been
3 received into evidence as Exhibit 226A. Do you recognize what
4 this document is?

12:15:58PM 5 A. It's an extraction report from my cell phone.

6 Q. I'm sorry, I couldn't hear you.

7 A. An extraction report from my cell phone, the 590 number.

8 Q. Okay. The 590 --

9 A. -- 1860.

12:16:17PM 10 Q. Okay. All right, so when you -- you mentioned that you
11 were arrested in June of 2016. Did the police seize some
12 phones from you?

13 A. Yes, they did.

14 Q. Okay. And what were some of the phones that they seized?

12:16:29PM 15 A. They seized the 590-1860 number phone; they seized the 585
16 -- the 281-1806 number; and another cell phone that was -- it
17 was an old phone that was my wife's mother's phone.

18 Q. Okay. Now, you mentioned this is an extraction report from
19 one of those phones?

12:16:54PM 20 A. Yes.

21 Q. Is this the iPhone extraction report?

22 A. This is, yes.

23 Q. I'd like to show you what's not been received into
24 evidence as Exhibit 214. Do you recognize the phone in this
12:17:17PM 25 photograph?

1 A. That's my iPhone, yes.

2 Q. Okay. And the extraction report that we were just viewing,
3 is that an extraction of the contents of the phone in
4 Exhibit 214?

12:17:29PM 5 A. It is, yes.

6 Q. Does Exhibit 214 fairly and accurately depict the way that
7 your phone looked when it was seized by law enforcement in
8 June of 2016?

9 A. Yes.

12:17:41PM 10 **MS. KOCHER:** Your Honor, I'd offer Exhibit 214.

11 **MR. VERRILLO:** No objection.

12 **THE COURT:** Exhibit 214 will be received.

13 (**WHEREUPON**, Government Exhibit 214 was received
14 into evidence).

12:17:54PM 15 **BY MS. KOCHER:**

16 Q. So this is the one of the phones that you were using when
17 you were purchasing drugs on Burbank from the defendant and
18 others?

19 A. It is, yes.

12:18:13PM 20 Q. All right. All right. If I could again show you what's not
21 been received into evidence as Exhibit 226A, the iPhone
22 extraction report. Now, does this have a cover sheet with the
23 phone number and identifies it as an iPhone?

24 A. It does, yes.

12:18:35PM 25 Q. Okay. Next I'd like to show you what's also not been

1 received into evidence as Exhibit 226B. Does this appear to
2 be some select text messages from the iPhone extraction?

3 A. Yes, that's correct.

4 **MS. KOCHER:** Your Honor, if I may, at this time I'd
12:19:02PM 5 like to read from the stipulation.

6 Government's Exhibit 226 is a black iPhone with
7 phone number 585-590-1860 that was seized from Albion,
8 New York on June 8th, 2016.

9 Government Exhibit 226A is the device data report
12:19:24PM 10 containing the data forensically retrieved from Government
11 Exhibit 226.

12 And, Your Honor, we've pulled just some select text
13 messages that we've marked as Exhibit 226B instead of rifling
14 through the entire extraction; it is over 1,000 pages long.

12:19:44PM 15 At this time I would offer Exhibit 226A and B.

16 **THE COURT:** Any objection?

17 **MR. VERRILLO:** Your Honor, if we could have a
18 sidebar?

19 **THE COURT:** Sure.

12:19:59PM 20 (**WHEREUPON**, a discussion was held at side bar out
21 of the hearing of the jury.)

22 **MR. VERRILLO:** 226B is something I haven't seen. I
23 did have 226A. So how many pages is this exhibit?

24 **MS. KOCHER:** 47. And these are text messages that
12:20:22PM 25 are contained in 226A. We just pulled these select ones out

1 because 226A is so big. It would be easier to maneuver.

2 I don't anticipate going through all these messages
3 with Mr. Standish, but I would like them received and I
4 thought it would be easier to manage in a shorter document. I
12:20:45PM 5 don't know if Your Honor wants to take a brief recess and Mr.
6 Verrillo can view the --

7 **MR. VERRILLO:** I haven't seen this.

8 **MS. KOCHER:** They are contained in 226A.

9 **THE COURT:** I'll give you a chance to look at those.
12:20:54PM 10 226 is received?

11 **MS. KOCHER:** It's not. I wasn't going to offer the
12 actual phone, just the photograph.

13 **THE COURT:** All right.

14 **(WHEREUPON, side bar discussion concluded.)**

12:21:05PM 15 **THE COURT:** Ladies and gentlemen, at this time we're
16 going to take a short recess. In the meantime, I'd ask you
17 not discuss the matter or allow anybody to discuss the matter
18 with you. Jury may step down, we'll stand in recess.

19 **(WHEREUPON, there was a pause in the proceeding).**

12:51:26PM 20 **(WHEREUPON, the defendant is present; the jury is**
21 **present).**

22 **THE COURT:** You may continue. Oh, we need a
23 witness, though.

24 **MS. KOCHER:** While Mr. Standish is returning, can we
12:54:52PM 25 sidebar?

1 **THE COURT:** Sure.

2 (**WHEREUPON**, a discussion was held at side bar out
3 of the hearing of the jury.)

4 **MS. KOCHER:** Judge, I just wanted to put on the
12:55:02PM 5 record Mr. Verrillo had a chance to view the selected text
6 messages that we pulled out. He did have a copy of those so I
7 directed him to where those are in the copy that he had
8 before. So I just wanted to make sure it was clear he has had
9 a copy of them; he just pulled out a select few.

12:55:19PM 10 **THE COURT:** Mr. Verrillo.

11 **MR. VERRILLO:** Yes, it was 1,700 pages -- there were
12 1,700 pages that I did have and I know they took 47 or
13 whatever, how many pages that is, but I have reviewed that.

14 **THE COURT:** Okay, great, thank you.

12:55:41PM 15 (**WHEREUPON**, side bar discussion concluded.)

16 **THE COURT:** The witness can come back. Go ahead.

17 **MS. KOCHER:** Thank you, Your Honor. And 226A and B
18 have now been received?

19 **THE COURT:** I'm sorry?

12:56:30PM 20 **THE COURT:** 226A and B.

21 **THE COURT:** I think we already did that.

22 **MS. KOCHER:** I offered those.

23 **THE COURT:** No objection?

24 **MR. VERRILLO:** No objection.

12:56:37PM 25 **THE COURT:** 226A and 226B will be received.

1 (WHEREUPON, Government Exhibits 226A and 226B were
2 received into evidence).

3 **BY MS. KOCHER:**

4 Q. All right, Mr. Standish, we've pulled up on the monitor
12:56:48PM 5 what's now been received into evidence as Exhibit 226B. These
6 appear to be text messages from the iPhone you were using
7 while you were buying drugs on Burbank Street?

8 A. Yes, that's correct.

9 Q. Okay. If you could pull that microphone right close to
12:57:08PM 10 you, both of them. Thank you.

11 A. Yup.

12 Q. Now, before we took our break you mentioned you would tell
13 your wife when you were going to Burbank?

14 A. That's correct.

12:57:21PM 15 Q. And why was that?

16 A. So she knew where I was out in the city in case something
17 were to happen or my phone or for whatever reason, so she knew
18 where I was.

19 Q. Okay. Now, we're looking at the first page of
12:57:38PM 20 Exhibit 226B. Ms. McCreedy, if you could zoom in on the top
21 half? Thank you.

22 Mr. Standish, you see the phone number at the top
23 of that green bubble there, it's 585-590-1860, and then
24 there's parentheses the word owner afterwards?

12:58:05PM 25 A. Yes.

1 Q. Is that the phone number that you were using at the time?

2 A. It was, yes.

3 Q. Now, in the gray bubble just below the green one it has
4 the phone number 585-281-1806. Whose phone number was that at
12:58:23PM 5 the time?

6 A. At the time that was my wife's phone number.

7 Q. Okay. And was there also a time that you used that phone
8 number, the one ending in 1806?

9 A. There was, yes.

12:58:35PM 10 Q. Okay. But at this point she was using that number?

11 A. That's correct.

12 Q. Now, have you had a chance to review some of these text
13 messages?

14 A. Yeah, I have read them, yes.

12:58:46PM 15 Q. Okay. Which communication are you? Would you be in the
16 green or the gray bubbles?

17 A. I would be in the green bubbles.

18 Q. Okay. If you wouldn't mind just reading the first green
19 bubble there and then your wife's response?

12:59:05PM 20 A. I wrote -- I sent an outgoing message to her, it says
21 yeah, going to Burbank, almost there, just got off Clinton.
22 And she responded shit, you have the diaper bag with the
23 jammies. I then responded damn.

24 Q. Okay. Now, at this time you had two sons?

12:59:25PM 25 A. Yes.

1 Q. Okay. What is the date of this text message?

2 A. March 21st, 2015.

3 Q. Okay. Now, you said in the first message going to Burbank
4 almost there, but there is spell T-G-E-R-E, correct?

12:59:45PM 5 A. Correct.

6 Q. Then you said just got off Clinton. What route would you
7 typically take to get from Orleans County to Burbank?

8 A. I would take Route 531 to 490 and then I would get off the
9 Plymouth Avenue exit, I believe was the exit.

01:00:06PM 10 Q. Okay. And would you eventually end up on Clinton?

11 A. Yes.

12 Q. So that's another street in the city?

13 A. That's correct.

14 Q. Now, I'd like to move to the bottom half of the first page

01:00:17PM 15 of Exhibit 226B. All right. Your wife sends a text message
16 and she says you headed back?

17 A. Yes, correct.

18 Q. And what was your response to that?

19 A. I responded yeah, got 19 and five.

01:00:34PM 20 Q. And what did you say after that?

21 A. Was like 50 cheaper. Would either save the 50 for T,
22 though, ya know, I'm not quite sure what to make out of that
23 last one.

24 Q. So the first message there yeah, got 19 and 5, what did
01:00:57PM 25 you mean when you said got 19 and 5?

1 A. 19 I would have been referring to 19 bags of heroin, and
2 five would be five bags of cocaine.

3 Q. Okay. And how do you know it was 19 bags of heroin as
4 opposed to 19 bags of cocaine?

01:01:12PM 5 A. I always got more heroin than coke.

6 Q. And where would you have purchased the 19 bags of heroin
7 and the five bags of coke on March 21st, 2015?

8 A. From Burbank Street.

9 Q. Okay. Now, in the next text you said was like 50 cheaper.
01:01:31PM 10 What would you referring to there?

11 A. The cost of a bundle.

12 Q. Okay.

13 A. Which was ten separate bags of heroin.

14 Q. And then the rest of that message there appeared to be
01:01:44PM 15 some typos?

16 A. Correct.

17 Q. Okay. If we could move to the second page of Exhibit 226B?
18 The first few messages there. This starts out you say I
19 think, though, for literally 50 less didn't do to (sic) bad.

01:02:03PM 20 And then what does your wife respond?

21 A. You got like eight less. He definitely -- he definitely
22 didn't hook it up or anything.

23 Q. What did you say to that?

24 A. I responded back we usually fly through the girl anyways.

01:02:20PM 25 Q. Okay. And what were you talking about during this portion

1 of the conversation?

2 A. When I responded we usually fly through the girl anyways,
3 I was referring to the cocaine. And the message before I'm
4 not exactly sure what I meant there.

01:02:45PM 5 Q. What you meant where?

6 A. In the message -- I'm sorry, that was the message from
7 her. You got like eight less, he definitely didn't hook it up
8 or anything.

9 Q. Okay. Where you say I think, though, for literally 50 less
01:03:00PM 10 didn't do to (sic) bad what did you mean?

11 A. That it was cheaper.

12 Q. What was cheaper?

13 A. The cost of a bundle of heroin.

14 Q. Okay. If we could go to the bottom half of page 2 and zoom
01:03:12PM 15 in on that -- the last three messages? So right before this
16 you said we usually fly through the girl anyways. And now the
17 bubbles that we have zoomed in you say cause we add it. What
18 did you mean by that?

19 A. That we add -- we add it to the heroin.

01:03:33PM 20 Q. Okay.

21 A. We mix it together.

22 Q. All right. Then what does your wife say?

23 A. She responded he always says that. And then every time.

24 Q. If we can move to the third page of Exhibit 226B, I'd like
01:03:51PM 25 to zoom in on the first three green bubbles. What did you say

1 in the top bubble here?

2 A. I responded, I said no, he didn't hook it up but says that
3 he was there when it was bagged and their (sic) nice. Says he
4 would get a 10 -- he would get 10 apiece to people that don't
01:04:12PM 5 come out regularly.

6 Q. Okay. And you can continue reading the next two bubbles.

7 A. So in a way he kinda did but didn't. Then the next
8 message he's only been saying that since the yellow ones,
9 though, I don't know, they look decent.

01:04:28PM 10 Q. Okay. What were you talking about in these text bubbles?

11 A. I was talking about the bags of heroin, the cost of the
12 bags. When I say the yellow ones, that would have been the
13 color of the bag.

14 Q. Okay. Okay. If we can move to the bottom half of the
01:04:50PM 15 third page, your wife says how far away are you? Kids are in
16 the bath. I found sweatpants for Gavin but you have his PJs.

17 A. Correct.

18 Q. Is that your son that she's referring to?

19 A. Yes.

01:05:10PM 20 Q. Okay. All right. Now, Mr. Standish, have you had a chance
21 to review other text messages between you and your wife where
22 you're discussing your trips to Burbank?

23 A. I have read other text messages, yes.

24 Q. Okay. I'm not going to go through all of them, but how
01:05:25PM 25 many do you think you looked at?

1 A. A lot.

2 Q. What's a lot?

3 A. Over the course of a year, hundreds, possibly a thousand
4 messages.

01:05:36PM 5 Q. You and your wife were in constant communication with one
6 another?

7 A. Yes.

8 Q. The other messages that you've had a chance to review, did
9 you discuss similar things with your wife about your trips to
01:05:48PM 10 Burbank?

11 A. Yes.

12 Q. So that being the price that you were paying and the
13 quantity that you purchased?

14 A. That's correct.

01:05:53PM 15 Q. Did you also discuss some of the people that you dealt
16 with on Burbank?

17 A. Yes.

18 Q. All right. Now, when you first started going to Burbank to
19 purchase cocaine and heroin, you said you were buying a
01:06:14PM 20 smaller amount initially?

21 A. Yes, that's correct.

22 Q. Okay. Then you started buying bundles?

23 A. Yes.

24 Q. Okay. Can you describe -- I think you did a little bit
01:06:23PM 25 earlier, but the bundles, how were those bagged?

1 A. They -- a bundle is ten separate bags within a ziplock, a
2 smaller ziplock bag. They were always like tri-folded with
3 tape on them, like taping them shut.

4 Q. Is that the heroin or the cocaine we're talking about?

01:06:49PM 5 A. The heroin.

6 Q. The heroin?

7 A. Yes.

8 Q. Was the cocaine packaged a little bit differently?

9 A. It was. The cocaine was always in clear -- really small
01:06:59PM 10 clear plastic bag, like ziplock-type bag.

11 Q. Would the bundles or groups of ten bags of cocaine also be
12 in a larger bag?

13 A. Not usually, no.

14 Q. Okay. The bag that held the bundles of heroin, was there
01:07:16PM 15 anything unique about that?

16 A. It was always a black bag.

17 Q. Okay. How about the little individual envelopes
18 themselves? Did those have any sort of markings on them?

19 A. There were a few different logos I guess would be the way
01:07:38PM 20 to say it.

21 Q. Okay. Do you remember what some of those logos were?

22 A. I remember like a flaming skull; a pirate; like a skeleton
23 pirate; a bag that said Magoo like up and down the bag; I'm
24 sure there were others.

01:08:07PM 25 Q. Okay.

1 **MS. KOCHER:** Your Honor, if I may use the
2 visualizer? I'd like to show the witness a few items.

3 **THE COURT:** Yes.

4 **BY MS. KOCHER:**

01:08:21PM 5 Q. First, Mr. Standish, I'd like to show you what's been
6 received into evidence as Government's Exhibit 106. Our
7 stipulation which the parties have agreed to states Government
8 Exhibit 106 is four wax paper envelopes with red devils with
9 tan powder containing heroin seized from 6 Burbank Street,
01:08:42PM 10 Rochester, New York on July 30th, 2015.

11 Mr. Standish, I've zoomed in on Exhibit 106. Are
12 you able to make out any of the items contained in
13 Exhibit 106?

14 A. That is -- that's how it was packaged. I recognize the
01:09:17PM 15 logo itself and the black ziplock bag.

16 Q. Okay. And what logo are you referring to?

17 A. The red like skeleton devil-type witch.

18 Q. Where do you recognize the red devil and the black ziplock
19 bag that is holding the red devil envelopes from?

01:09:43PM 20 A. Can you repeat that? I'm not quite sure --

21 Q. Sure. Where do you recognize the red devil from?

22 A. From Burbank Street.

23 Q. Okay. Now, you mentioned the black bag that's holding the
24 red devil envelopes.

01:09:59PM 25 A. Correct.

1 Q. Okay. Is that typically how the bundles were bagged?

2 A. Yes.

3 Q. Okay. All right. Next I'd like to show you what's been
4 received into evidence as Exhibit 135.

01:10:18PM 5 The stipulation states Government Exhibit 135 was
6 seized from 11 Burbank Street, Rochester, New York, on
7 August 12th, 2015.

8 Government Exhibit 135 contains 28 plastic bags
9 with white powder containing cocaine. There's an aggregate
01:10:37PM 10 weight given.

11 And Exhibit 135 also contains 40 wax paper
12 envelopes with pirates with tan powder containing heroin.

13 All right, Mr. Standish, are you able to see
14 Exhibit 135?

01:11:18PM 15 A. Yes.

16 Q. Okay. I've zoomed in on a portion of it. Do you recognize
17 any of the items contained in Exhibit 135?

18 A. I recognize both -- I recognize the pirate wax paper-type
19 bag, and I do also recognize the bag -- ziplock bag with the
01:11:40PM 20 dice on it because I purchase that too.

21 Q. You made a little mark on one of the plastic bags with the
22 red dice?

23 A. That's correct.

24 Q. Where do you recognize the, like, skull pirate and the red
01:11:53PM 25 dice bags and envelopes from?

1 A. Both of which from Burbank.

2 Q. Those are similar to items that you would have purchased
3 on Burbank Street?

4 A. They're identical.

01:12:04PM 5 Q. Now, the clear bag with the red dice on it, what
6 typically -- what type of drug would that contain?

7 A. That would always be cocaine.

8 Q. Okay. Was there anything else unique about the small
9 cocaine baggies?

01:12:24PM 10 A. On the top right corner you can see that -- like this edge
11 up top of the bag is sealed, almost as if it was burnt to keep
12 it closed.

13 Q. When you would purchase cocaine from Burbank Street, was
14 that a consistent thing that you would see on the cocaine
01:12:40PM 15 packaging?

16 A. Yes.

17 Q. And the skull pirates, what drug would be contained in
18 that bag?

19 A. That would be heroin.

01:12:57PM 20 Q. All right. Now, next I'd like to show you what's been
21 received into evidence as Exhibit 179.

22 The stipulation agreed upon by the parties states
23 Government Exhibit 179 was seized from a 2001 red Honda Civic
24 bearing New York registration HDN 5250 at 2 Burbank Street,
01:13:20PM 25 Rochester, New York, on February 6th, 2016.

1 Government's Exhibit 179 contains 25 yellow plastic
2 bags with white powder containing cocaine. There's an
3 aggregate weight in the stipulation.

4 Government Exhibit 179 also contains 174 gray
01:13:43PM 5 plastic bags with white powder containing cocaine. Again
6 there's an aggregate weight listed.

7 And, finally, Government Exhibit 179 also contains
8 266 glassine bags stamped Magoo with tan powder containing
9 heroin.

01:14:16PM 10 Mr. Standish, I've placed Exhibit 179 on the
11 visualizer. It was cut off and I've pulled a portion of that
12 out. Do you recognize any of the packaging contained in
13 Exhibit 179?

14 A. I do.

01:14:29PM 15 Q. What do you recognize?

16 A. Same type of wax paper bag, that with the Magoo imprint.

17 Q. Where do you recognize this envelope with the Magoo stamp
18 on it?

19 A. Also from Burbank Street.

01:14:45PM 20 Q. What type of drug would be contained in this package when
21 you would buy it on Burbank Street?

22 A. Heroin.

23 Q. Next I'd like to show you Exhibit 252. Per the
24 stipulation, this item was seized from 54 Miller Street on
01:15:10PM 25 December 8th, 2016.

1 Government's Exhibit 252 contains a sealed plastic
2 bag with tan powder containing heroin and 1,300 glassine bags
3 marked the king. There's an aggregate weight listed.

4 Government Exhibit 252 also contains 1,006 glassine
01:15:34PM 5 bags stamped blue magic with tan powder containing heroin.

6 Mr. Standish, I've removed two bags from
7 Exhibit 252. Are you able to make those out on the
8 visualizer?

9 A. The one on the right I can. The one on the left it's -- I
01:16:31PM 10 can't really -- I can't see it clearly.

11 Q. Okay. So we're zoomed in just on the one item on the
12 right. Do you recognize that item?

13 A. I do, yes.

14 Q. What do you recognize?

01:16:51PM 15 A. They're also from Burbank Street. Heroin bags.

16 Q. Okay. And what kind of stamp or marking was on that?

17 A. It's like a gorilla and I think it says king, I believe it
18 says king on it.

19 Q. Okay. Is that the type of packaging that you would
01:17:09PM 20 purchase when you were going to Burbank Street?

21 A. Yes.

22 Q. And that would contain heroin?

23 A. Yes.

24 Q. Okay. Are you better able to see this other bag that I've
01:17:33PM 25 zoomed in on?

1 A. It's a really bad glare to it. I can't see an imprint on
2 it.

3 **MS. KOCHER:** Your Honor, may I approach the witness
4 so there's no glare?

01:17:47PM 5 **THE COURT:** Thank you.

6 **MS. KOCHER:** Thank you.

7 **THE WITNESS:** Yes. I also recognize these from
8 Burbank Street as well as Thomas Street.

9 **BY MS. KOCHER:**

01:18:13PM 10 Q. Okay. Where do you recognize that bag that I just handed
11 you from?

12 A. From Burbank Street as well as Thomas Street.

13 Q. Okay. What do you recognize about the item that I just
14 handed to you?

01:18:24PM 15 A. The blue magic stamp.

16 Q. Is that another type of logo or stamp that was on the
17 heroin you would purchase from Burbank Street?

18 A. It was, yes.

19 Q. You also mentioned Thomas Street?

01:18:37PM 20 A. Yes.

21 Q. We'll discuss Thomas Street a little bit later. Now,
22 Mr. Standish, when you were buying these bundles of cocaine
23 and heroin, would you just walk up to anybody that was out on
24 Burbank Street?

01:19:04PM 25 A. Earlier on, yes. But after -- after I had been going a

1 couple months, I would start to look for certain faces.

2 Q. Okay. People that you recognized?

3 A. Right.

4 Q. Who were some of the people that you recognized on Burbank
01:19:19PM 5 that you would purchase from?

6 A. I recognized Rafi, Cano, Cono, Pepe himself, and his --
7 who I knew as his brother.

8 Q. When you say "Pepe himself," is that who you previously
9 identified as the defendant?

01:19:39PM 10 A. That's correct.

11 Q. Okay. Earlier you had described how you would see people
12 on the ends of Burbank Street that appeared to be lookouts or
13 watchmen?

14 A. Correct.

01:19:50PM 15 Q. Would you ever buy from those people?

16 A. No.

17 Q. And you also described when you would go buy cocaine and
18 heroin on Burbank Street it would generally be a quick
19 transaction?

01:20:06PM 20 A. Yes.

21 Q. So how did it get to the point where you got phone numbers
22 for some of the people you were buying from?

23 A. It just -- after going there repeatedly they became more
24 familiar with my face, I became more familiar with their face,
01:20:25PM 25 and they -- I was given numbers.

1 Q. Okay. Now, as a customer what, if anything, was
2 significant about the stamps or logos that we've just
3 discussed?

4 A. I'm not sure I understand --

01:20:43PM 5 Q. Okay.

6 A. -- what you're --

7 Q. When you were going to buy cocaine and heroin, were you
8 looking for anything in particular when you were making
9 purchases?

01:20:52PM 10 A. I was looking for the logos that I was familiar with and
11 the black ziplock bag.

12 Q. Why were you looking for logos you were familiar with and
13 the black ziplock bags that held the bundles together?

14 A. It was -- I was used to it I guess. I was familiar with
01:21:12PM 15 it. I guess I was familiar with it.

16 Q. Okay. Had you purchased heroin or gotten heroin from
17 anywhere else in the City of Rochester?

18 A. I did, yes.

19 Q. How did that come about?

01:21:27PM 20 A. A lot -- down in the innercity and off Clinton Avenue,
21 people drive by, they will try to give you samples, which are
22 free bags. They want you to start going to them to purchase
23 the drugs.

24 Q. Okay. Did you notice a difference in the quality of the
01:21:46PM 25 heroin or cocaine from those samples that you got from people

1 on Clinton as opposed to the cocaine and heroin you purchased
2 on Burbank?

3 A. Anything that I tried outside of Burbank made me cough,
4 sneeze. My nose would run. It was -- I didn't care for it.
01:22:05PM 5 I didn't like it.

6 Q. Okay. So you liked the quality of the drugs on Burbank?

7 A. Correct.

8 Q. As opposed to others?

9 A. That's correct.

01:22:12PM 10 Q. All right. Now, over time you began purchasing larger
11 quantities of cocaine and heroin?

12 A. That's correct.

13 Q. Why was that?

14 A. I wanted to get -- I was trying to get it cheaper. The
01:22:31PM 15 more you buy, the cheaper it will get.

16 Q. Okay. So bundles were \$50 a bundle?

17 A. Bundles were always \$50. Didn't matter how many you
18 bought.

19 Q. Okay.

01:22:45PM 20 A. When you start buying by the gram, it begins to get
21 cheaper.

22 Q. Okay. Did there come a point where you did, in fact,
23 start buying by the gram?

24 A. I did, yes.

01:22:52PM 25 Q. And when you were -- were you buying cocaine and heroin by

1 the gram?

2 A. Mainly heroin. The cocaine was more so still by the bags.

3 Q. Okay. And who did you buy gram amounts of heroin from?

4 A. From Pepe.

01:23:08PM 5 Q. The defendant?

6 A. That's correct.

7 Q. How were the grams packaged as opposed to the bundles?

8 A. It was just in like a regular sandwich bag twisted and
9 like knotted kind of.

01:23:25PM 10 Q. So it would be loose powder in a bag?

11 A. Right.

12 Q. Okay. Now, while you were still buying the bundle
13 quantities on Burbank Street, did there ever come a time that
14 you described when you would go down the driveway towards that
01:23:44PM 15 back fence they wouldn't have enough and they would get it
16 from next door?

17 A. I'm not sure what the question is.

18 Q. Sure. Let me show you Exhibit -- I'm sorry, that was a
19 bad question. Let me go to Exhibit 45. Okay, so could we
01:24:05PM 20 switch to the computer? Thank you, Ms. Rand.

21 All right, so earlier you told us when you were
22 purchasing from the white house on the left you would walk
23 down the driveway; is that correct?

24 A. That's correct.

01:24:18PM 25 Q. And you mentioned if Rafi didn't have enough, he would

1 call to the people next door?

2 A. Yes.

3 Q. And then you would have drugs to buy from them?

4 A. That's correct.

01:24:29PM 5 Q. Were there other times that you would go to either this
6 house or the house across the street or anywhere else where
7 there wouldn't be enough drugs from the person you were buying
8 from?

9 A. Across -- across the street as well as the next street
01:24:49PM 10 over, which was Kohlman.

11 Q. Okay. What would happen if you went to buy from say Rafi
12 and he didn't have the quantity of cocaine or heroin that you
13 wanted?

14 A. He would say that he had to call the boss.

01:25:04PM 15 Q. Okay. And after that what would happen?

16 A. A few minutes later the defendant would arrive.

17 Q. And what would happen after the defendant would arrive?

18 A. He would give it to Rafi or Cano and they would then bring
19 it over to me.

01:25:22PM 20 Q. Bring what over to you?

21 A. The heroin and the cocaine.

22 Q. Okay. And then what would happen?

23 A. I would leave.

24 Q. Would you pay for the cocaine and heroin?

01:25:32PM 25 A. Yes.

1 Q. Okay. So you would give the worker, the seller money and
2 they would give you the cocaine and heroin?

3 A. Correct, yes.

4 Q. All right. Do you know about -- well, you saw the
01:25:46PM 5 defendant regularly on Burbank Street?

6 A. Yes.

7 Q. About how many times do you think you saw the defendant on
8 Burbank Street while you were going there regularly for over a
9 year?

01:25:59PM 10 A. A lot. Well over 100 times for sure.

11 Q. Okay. And about how many times did it happen that Rafi or
12 whoever you were buying from didn't have the drugs and they
13 would say I got to call the boss and the defendant would
14 arrive?

01:26:21PM 15 A. It was quite often later on like when my addiction really
16 was kind of at the peak.

17 Q. You said quite often. Do you know about -- can you put a
18 number on it?

19 A. Most of the time. It would be tough to put a number on
01:26:47PM 20 it.

21 Q. Okay.

22 A. It was quite often, though.

23 Q. A regular --

24 A. More than two-thirds of the time.

01:26:53PM 25 Q. Okay. So a regular occurrence?

1 A. Yes.

2 Q. And at that point you were going to Burbank several times
3 a week if not more?

4 A. That's correct.

01:27:01PM 5 Q. Did you ever buy cocaine or heroin in a bundle form from
6 the defendant on Burbank Street?

7 A. Yes.

8 Q. Can you describe those interactions?

9 A. Very brief. One of the mornings that I had shown up out
01:27:24PM 10 there, there wasn't anybody out there. I saw Pepe and I
11 bought from him out on the street.

12 Q. Okay. You said you got to Burbank in the morning and no
13 one was out there?

14 A. That's correct.

01:27:41PM 15 Q. You mean no people around or people you didn't know?

16 A. There was nobody -- nobody else -- no people at all.

17 Q. Okay. Can you describe the interaction with the defendant
18 on that occasion?

19 A. Very brief. He was irritable. It was quick. I gave him
01:28:06PM 20 the money and he kind of tossed it on my lap as if he was
21 annoyed.

22 Q. What did he toss on your lap?

23 A. Heroin and cocaine.

24 Q. Okay. Did you ever have any direct dealings with the
01:28:21PM 25 defendant on Kohlman Street?

1 A. Yes.

2 Q. If we could go to Exhibit 35? Do you see Kohlman Street
3 on Exhibit 35?

4 A. I do, yes.

01:28:36PM 5 Q. Okay. And where is that on the map?

6 A. Right here.

7 Q. Okay. So you've made a green line on the street that says
8 Kohlman Street that's just below Burbank Street?

9 A. That's correct.

01:28:48PM 10 Q. And what happened that day on Kohlman Street?

11 A. I -- I met -- I was meeting Cano on that particular day
12 and when I arrived he didn't have what I -- what I wanted at
13 the time.

14 Q. Who didn't have what you wanted?

01:29:13PM 15 A. Cano didn't have -- I know I wanted at least a few
16 bundles. Cano didn't have what I wanted on his person. So he
17 had told me that he had to call the boss.

18 Q. Okay.

01:29:31PM 19 A. A few minutes later Pepe turned the corner off of North
20 Clinton Avenue.

21 Q. I'd like to show you what's been received into evidence as
22 Exhibit 15. Is this the individual that you knew as Cano?

23 A. It is, yes.

01:29:50PM 24 Q. And is that who you were meeting on Kohlman Street that
25 day?

1 A. Yes.

2 Q. Okay. If we could go back to 35, please. Thank you. All
3 right. Now, you said the defendant turned off of Clinton
4 Avenue and turned onto Kohlman Street?

01:30:02PM 5 A. That's correct.

6 Q. And was that after Cano said I got to call the boss?

7 A. Yes.

8 Q. Did Cano make a phone call?

9 A. He did, yes.

01:30:10PM 10 Q. What kind of car was the defendant operating?

11 A. It was a Nissan Altima, grayish color. It was like kind
12 of a different color.

13 Q. And what happened when the defendant showed up in that
14 Nissan Altima?

01:30:30PM 15 A. Just before he had turned on to the street, Cano got out
16 of my vehicle and started to walk towards the end of Kohlman
17 towards North Clinton Avenue. Pepe had turned the corner, I
18 watched him pass a bag out and then Cano began to walk back
19 towards my vehicle.

01:30:52PM 20 Q. Okay. So Cano walked to the defendant's car?

21 A. Yes.

22 Q. And you said you saw him hand a bag out. Who handed the
23 bag to who?

24 A. I saw Pepe hand the bag to Cano.

01:31:07PM 25 Q. Okay. Pepe meaning the defendant?

1 A. Correct.

2 Q. Okay. And after the defendant handed the bag to Cano, what
3 happened next?

4 A. Cano began to walk back towards my vehicle to bring the
01:31:18PM 5 drugs back to me and Pepe began to drive towards me. I was
6 parked on the side of the road on Kohlman. And he was headed
7 towards Remington Street. As he was approaching my vehicle he
8 pulled up and rolled his window down and said that we needed
9 to stop doing this on the side of the street like this.

01:31:42PM 10 Q. Okay. So before the defendant got to you, did Cano bring
11 you the bag that he had received from the defendant?

12 A. He didn't make it back to my vehicle yet.

13 Q. So before Cano got to you the defendant pulled up beside
14 you?

01:31:57PM 15 A. Yes.

16 Q. And said we got to stop doing this on the side of the road
17 or something like that?

18 A. Correct.

19 Q. What did you take that to mean?

01:32:04PM 20 **MR. VERRILLO:** Objection.

21 **THE COURT:** Overruled. He can say what he meant.
22 Go ahead.

23 **THE WITNESS:** That he wanted me to start going to
24 like a certain location rather than having to meet me on the
01:32:20PM 25 side of the road.

1 **BY MS. KOCHER:**

2 Q. Okay. Now, on this occasion were you buying multiple
3 bundles of cocaine and heroin?

4 A. Yes.

01:32:30PM 5 Q. After the defendant said we got to stop doing it like
6 this, what happened?

7 A. He gave me a contact, a phone number.

8 Q. Okay. Did you take that to mean you were to deal with him
9 directly?

01:32:43PM 10 A. I did, yes.

11 Q. Okay. What happened next?

12 A. I left. I went back home.

13 Q. Okay. Did Cano bring you anything before you left?

14 A. He did, yes.

01:32:56PM 15 Q. What did Cano bring you?

16 A. He brought me back several -- there were several bundles
17 of heroin and some -- and cocaine as well.

18 Q. Okay. Now, at the time of this interaction, how long had
19 you been going to Burbank to buy cocaine and heroin?

01:33:18PM 20 A. Over a year. It was over a year.

21 Q. Okay. So it had been quite some time and you were
22 consistently going there?

23 A. That's correct, yes.

24 **MS. KOCHER:** Judge, I think we're a little past

01:33:30PM 25 1:30. I was going to go to a different area. I'm not sure if

2 **THE COURT:** Ladies and gentlemen, at this time we'll
3 take a recess until tomorrow morning. Tomorrow morning we'll
4 begin at 8:30 and proceed until 1:30.

8 (WHEREUPON, proceedings adjourned at 1:35 p.m.)

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